FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter VI—Department of Defense

SUBCHAPTER A—OFFICE OF THE SECRETARY OF DEFENSE

PART 601—SALARIES AND PERSONNEL PRACTICES APPLICABLE TO TEACHERS, CERTAIN SCHOOL OFFICERS, AND OTHER EMPLOYEES OF THE OVERSEAS DEPENDENTS' SCHOOLS OF THE DEPARTMENT OF DEFENSE

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AUTHORITY: §§ 601.1 to 601.14 issued under sec. 4, 73 Stat. 214 (Public Law 86-91) The Acting Secretary of Defense approved the following on October 15, 1959:

Subpart A—General

§ 601.1 Purpose.

To implement the provisions of Public Law 86-91, the "Defense Department Overseas Teachers Pay and Personnel Practices Act", by prescribing regulations required to carry out the purposes of that Act.

§ 601.2 Scope.

The regulations prescribed herein §§ 601.5 to 601.14, are applicable to all teaching positions and teachers, including substitute teachers and summer school teachers, who are paid from appropriated funds. They do not apply to those principals, school administrators, or others whose services are required for a full calendar year.

§ 601.3 Implementation.

Implementing documents, to be issued by the Secretaries of the military departments, will be submitted to the Asistant Secretary of Defense (Manpower, Personnel and Reserve) for review for consistency prior to their issuance. Such documents shall be prepared with the objective of attaining maximum consistency among the teacher personnel programs of the military departments in procedures and practices.

§ 601.4 Effective date.

The effective date for the adoption of the personnel program and compensation plan provided by this part shall be not later than 90 days after October 15, 1959. The actual date of adoption shall be mutually agreed upon by appropriate authorities in the military departments and there shall be a single effective date for all.

Subpart B—Regulations Governing Salaries and Personnel Practices Applicable to Teachers, Certain School Officers and Other Employees of the Overseas Dependents' Schools of the Department of Defense

§ 601.5 Definitions.

As used in this part: (a) "Teaching position" means those duties and responsibilties which: (1) Are performed on a school-year basis principally in a school operated by the Department of Defense in an overseas area for dependents of members of the Armed Forces and dependents of civilian employees of the Department of Defense, and

(2) Involve: (i) Classroom or other instruction or the supervision or direction of classroom or other instructions; or

(ii) Any activity (other than teaching) which requires academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

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(iii) Any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity.

(b) "Teacher" means an individual:

(1) Who is a citizen of the United States.

(2) Who is a civilian, and

(3) Whose services are required on a school-year basis in a teaching position.

(c) "Substitute teacher" means a civilian who is a U.S. citizen whose services are required on a temporary or intermittent basis to perform the duties and responsibilities assign to a teacher.

(d) "Summer school teacher" means a civilian who is a U.S. citizen whose services are required during a summer school session to perform the duties of a teaching position.

(e) "Overseas dependents schools" means the schools operated by the military departments to provide primary and secondary educations for dependents of military personnel and civilian personnel employed by the Department of Defense in areas located outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, the

Canal Zone, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).

§ 601.6 Applicability of Civil Service Commission rules and regulations.

Except as otherwise provided in applicable law and by Subpart B of this part, the regulations issued by the United States Civil Service Commission for the "Excepted Service", as implemented by the military departments, will apply.

§ 601.7 School year.

The "school year" for teachers will consist of not more than 190 working days including not less than 175 days of classroom instruction.

§ 601.8 Responsibilities.

Subject to Subpart B of this part, the Secretary of each military department will:

(a) Determine the need for and establish teaching positions in his department;

(b) Establish for each such position appropriate salary rates; and

(c) Issue such regulations as he may determine to be necessary for further implementation of Public Law 86-91 (Defense Department Overseas Teachers Pay and Personnel Practices Act), of July 17, 1959 (73 Stat. 213), and Subpart B of this part.

§ 601.9 Establishment of teaching positions.

(a) Uniform classification standards will be jointly developed and adopted by the three military departments for all teaching positions.

(b) All teaching positions which involve approximately the same degree of difficulty, responsibility and training, and which should receive comparable pay treatment, will be assigned to a single level.

(c) The schedule of teaching positions will consist of as many levels as are found to be necessary to properly recognize the various significant degrees of difficulty, responsibility and training which are required in teaching positions in the overseas dependents schools.

(d) Each level shall include titles of classes of teaching positions which are appropriate for the various categories of teaching positions which should properly be placed in the same level. To the extent appropriate, titles should be of a broad, general nature (i.e., "Classroom Teacher", "Librarian", etc.).

§ 601.10 Compensation of teaching positions.

(a) *Basis.* Rates of basic compensation for teaching positions will be fixed by the Secretaries of the military departments in relation to rates of basic compensation for similar positions in the continental United States, exclusive of Alaska and Hawaii, but no such rate shall exceed the highest rate of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.

(b) *Schedules.* A single, coordinated, uniform compensation schedule will be jointly developed and adopted, and from time to time adjusted, as appropriate, by the three military departments, which will:

(1) List the various classes and levels of teaching positions;

(2) For each level, establish and prescribe on a school year basis the basic compensation step rates. At each level the schedule will also provide, in each step rate, for an appropriate additional increment for those teachers who possess a Master's degree and may provide a further increment for those who have completed a higher level of academic preparation.

(3) The daily rate for a teaching position will be the school year rate divided by 190. Substitute teachers and summer school teachers will receive a flat daily rate as prescribed in the compensation schedules.

(c) *Rules for fixing compensation*—(1) *New appointments.* Each new appointment shall be made at the minimum rate for the level to which the employee is assigned plus any additional increment to which he would be entitled in accordance with paragraph (b) (2) of this section.

(2) *Reemployments, transfers, reassignments and demotions other than for cause.* Upon reemployment, transfer, reassignment or demotion other than for cause pay may be fixed at any step rate for the level in which employed which does not exceed the highest previous rate received in Federal employment. However, if the highest previous rate falls between two scheduled service step rates of the new level pay may be fixed at the higher step rate. In those cases where former Federal employment was under a different pay schedule the highest previous rate shall be determined as 10/12's of the salary received under such other schedule if such salary was on an annual basis. If the reemployment, transfer or reassignment occurs in the school year following satisfactory completion of a school year, the teacher may be granted the step increase earned in the previous year.

(3) *Eligibility for additional pay increment upon completing advanced educational preparation.* A teacher who completes advanced educational preparation for which an additional pay increment is provided shall be assigned to the higher rate effective on the first day of the first pay period following the receipt of documentary evidence that the work has been completed.

(4) *Promotions between levels.* A teacher who is promoted to a higher level shall be assigned to the lowest numerical step on the schedule for his new level which will give him an immediate increase in school year salary rate at least equal to a service step increment in the level from which promoted.

(5) *Demotions for cause.* Teachers who are demoted for cause shall be assigned to a step rate in the level to which demoted which does not exceed the numerical step held in the level from which they were demoted.

(6) *Initial conversion from Classification Act schedule to the teacher schedule.* A teacher initially converted with his position from the Classification Act schedule to the teaching schedule shall be entitled to compensation in the level to which his position is assigned which is not less than 10/12's of the annual salary rate received by the employee under the Classification Act prior to such conversion. However, if such rate is in excess of the maximum rate of the level to which his position is assigned, he shall then be paid at a rate equal to 10/12's of his annual rate prior to such conversion. He shall continue to receive compensation at such rate so long as he occupies the same level of position, until he becomes entitled under the normal operations of the pay system to compensation equal to or greater than that which results from the application of the regulations in this paragraph.

(7) *During travel.* While enroute to and from overseas assignments, teachers will be in a non-pay status. However, they will receive appropriate per diem while traveling.

(d) *Step increases*—(1) *Eligibility.* Each employee in a teaching position whose salary is fixed under Subpart B of this Part 601 and who is serving under an appointment without time limitation shall advance one numerical service step for each school year of satisfactory service until he reaches the highest step on the schedule for his level: *Provided,* That he has been in a pay status at least 150 working days during his last previous school year in a Department of Defense Overseas Dependents School, for which a step increase has not been granted. Eligibility for an additional advancement within the same level (by reason of attaining higher academic qualifications) shall not preclude the teacher from receiving a service step increase if otherwise eligible.

(2) *Effective date.* Step increases shall be made effective at the beginning of the school year.

(e) *Compensation payment*—(1) *Salary computation.* Compensation of teachers, substitute teachers, and summer school teachers shall be in accordance with the payroll and leave accounting procedures of the employing department and such policies and instructions as may be prescribed by the Assistant Secretary of Defense (Comptroller).

(2) *Late arrivals at teaching posts.* (i) Teachers who are employed with the understanding that they will serve for an entire school year or a specified part thereof and who through no fault of their own as a result of transportation or processing delays after appointment arrive late at their post of assignment will be administratively excused and paid as if they had arrived on time and actually served during the lost time.

(ii) Teachers who through their own fault arrive late at their post of assignment will not be paid for the teaching days or school recess period days occurring prior to the day of arrival at the post of duty.

(3) *Early arrivals at teaching posts.* (i) Teachers who arrive at their post of assignment prior to the start of the school

year will not be entitled to compensation until the start of the school year.

(ii) Teachers who are required to report at their post of assignment and to perform work prior to the start of the school year shall be paid at the daily rate for their level and numerical service step for each day of such work performed.

(4) *Late departures from teaching posts.* (i) Teachers who cannot leave promptly at the end of a school year because of circumstances beyond their control such as a lack of available transportation facilities will not be entitled to compensation for the period between the end of the school year and the date of departure.

(ii) Teachers who are required to perform work after the end of the school year shall be paid at the daily rate for their level and numerical service step for each day of such work performed.

§ 601.11 Personnel actions.

(a) *Qualification standards.* The military departments will develop and use uniform minimum experience and training qualification standards for all teaching positions.

(b) *Actions affecting teachers*—(1) *Appointments.* Appointments will be made under Schedule A, Part 6 of the Civil Service Regulations and in full recognition of applicable civil service appointment requirements and regulations of the military departments concerned.

(2) *Trial period.* Appointees are required to serve a trial period of one school year except as follows:

(i) Present and former teachers who have already satisfactorily completed at least one school year as a teacher in the Department of Defense dependents schools system.

(ii) Persons transferred or appointed without a break in service of more than 30 calendar days while serving a trial period as a teacher may complete the trial period in the teaching position to which appointed.

(3) *Reassignment.* Reassignments may be effected at any time following appointments. Consent of the teacher while desirable need not be a decisive factor for reassignment either within the same school or to another school within a school area as defined by each military department when the need for a teacher with particular qualifications is clearly evident.

(4) *Promotion.* Promotions will be based on qualifications and merit. No time in level restrictions governing promotions will be applied by the military departments.

(c) *Actions affecting substitute teachers.* (1) Substitute teachers will be given excepted appointments not to exceed one year on a when-actually-employed (WAE) basis under Schedule A, Part 6 of the Civil Service Regulations.

(2) The same minimum experience and qualifications standards used for regular teachers will be applicable to substitute teachers. Waivers may be authorized by regulations of the military departments.

(d) *Change from substitute teacher to teacher.* When it is determined that the services of a substitute teacher will be required full time for the balance of the school year, action may be taken to appoint him as a teacher provided he is otherwise eligible for such appointment.

(e) *Actions affecting summer school teachers.* Teachers who are employed as summer school teachers will be given excepted appointments not to exceed the length of time for which their service will be required, on a when-actually-employed (WAE) basis under Schedule A, Part 6 of the Civil Service Regulations.

§ 601.12 Leave.

(a) *Amount and accrual rate.* A teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall be known as "teachers leave", which shall accrue at the rate of one day for each calendar month or part thereof, of a school year, except that:

(1) If the school year includes more than eight months, any teacher who shall have served for the entire school year shall be entitled to ten days of cumulative leave with pay;

(2) Not more than seventy-five days of leave may accumulate to the credit of a teacher at any one time under this paragraph; and

(3) Such leave, not to exceed the amount which may be accrued during the school year, may be advanced for use at any time within the school year. Such advance shall be subject to subsequent earning of such leave, or repayment upon separation or at the end of the school year, for leave advanced but not earned.

(b) *Summer school teachers.* Leave will not be earned by summer school teachers, nor will teachers leave accumulated during school years be granted for summer school absence.

(c) *Substitute teachers.* Substitute teachers will not earn leave of any kind.

(d) *Non-work days.* Saturdays, Sundays, regularly scheduled holidays and other administratively authorized non-work days shall not be considered to be days of leave.

(e) *Use of leave.* Leave earned by any teacher under this section may be granted during the school year:

(1) For maternity purposes;

(2) In the event of the illness of such teacher;

(3) In the event of illness, contagious disease, or death in the immediate family of such teacher and requiring their absence;

(4) In the event of any personal emergency; and

(5) If appropriate advance notice is given of the intended absence of a teacher, not to exceed three days of such leave may be granted for any purpose in each school year to such teacher.

(f) *Conversion of leave.* (1) A teacher shall be credited, for the purposes of the leave system provided by this section, with the annual and sick leave to his credit immediately prior to the effective date of his conversion, transfer, promotion, demotion, or reappointment to a teaching position provided:

(i) He is holding a position which is determined to be a teaching position, or

(ii) He is an employee of the Federal Government or the municipal government of the District of Columbia who is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to a teaching position.

(2) Sick leave so credited shall be included in the leave provided for in paragraph (a) of this section. Annual leave so credited shall not be included in the leave provided for in such paragraph but shall be used under regulations which shall be prescribed by the Secretary of the military department concerned.

(3) In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in paragraph (a) of this section, is in excess of the maximum amount of accumulated leave allowable under paragraph (a) (2) of this section, such excess shall remain to the credit of such teacher until used. However, the use during any leave year of any amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the beginning of the next leave year until such amount no longer exceeds the maximum amount allowable under paragraph (a) (2) of this section.

(g) *Minimum charge.* The minimum charge for leave shall be one-half day and additional charges shall be in multiples thereof. Absence from duty of less than one-half day may be excused for adequate reasons without charge to leave, at the discretion of administrative authority.

(h) *Transfer and recredit of teachers leave.* (1) When a teacher is separated from a teaching position and is reappointed in another teaching position without a break in service of more than one school year, his leave account (teachers leave) shall be certified to the employing agency for credit or charge.

(2) When an employee is separated from a teaching position and is reappointed in a position subject to another leave act without a break in service his leave account shall be certified to the employing agency for credit or charge in accordance with regulations to be issued by the Civil Service Commission.

(i) *Liquidation of leave upon separation.* (1) Any annual leave earned under a different leave system and remaining to the credit of a teacher upon separation shall be liquidated by a lump-sum payment in accordance with the Act of December 21, 1944 (5 U.S.C. 61b).

(2) The teacher's leave earned or included under paragraph (a) of this section shall not be liquidated through lump-sum payment when the teacher is separated.

§ 601.13 Allowances and differentials.

(a) *Entitlement to cost-of-living allowances and post differentials.* (1) Entitlement of teachers and summer school teachers to quarters, quarters allowances, cost-of-living allowances and post

differentials shall be in accordance with "Standardized Regulations (Government Civilians, Foreign Areas)" issued by Department of State, June 1953, as amended, and Department of Defense Instruction 1418.1, dated December 3, 1957, "Policy in Regard to Payment of Allowances in Foreign Areas".

(2) Substitute teachers will not be entitled to quarters, quarters allowances, cost-of-living allowances, post differentials or storage of household goods.

(b) *Entitlement to storage of household effects.* When a teacher is reassigned to another location between school years or for another reason relinquishes his quarters during the summer with the result that a quarters allowance is not payable, or when government quarters assigned for the school year are not made available to the teacher for the vacation period, storage (including packing, drayage, unpacking and transportation to and from storage) of his household goods and personal possessions, will be authorized by the employing agency at no cost to the teacher, subject to the weight limitations applicable to the shipment of household goods and personal effects of civilian employees.

§ 601.14 Orientation of teachers.

Prior to their departure from the United States, teachers employed for the overseas dependents schools will be given an adequate orientation on the conditions under which they will live and work. This information will be included in printed form and will cover the following matters as a minimum.

(a) The nature, extent and duration of the service which the Government of the United States expects from them as provided uniformly in the regulations of the employing agency.

(b) The transportation, pay, allowances, logistic service and other fringe benefits which the Government will provide to them in consideration of such services.

(c) The high importance of conducting themselves in the foreign area in a manner to reflect credit upon the American educational system, and as influential representatives of the United States.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

OCTOBER 29, 1959.

[F.R. Doc. 59-9268; Filed, Nov. 2, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8333]

PART 3—RADIO BROADCAST SERVICES

Daytime Skywave Transmissions

1. The Commission has under consideration its Report and Order adopted herein on September 18, 1959 (FCC 59-970, released September 22, 1959; 27 FCC 587; 18 Pike & Fischer R.R. 1345; 24 F.R. 7755), in which we adopted certain amendments to §§ 3.23(b) and 3.24 of the Commission's rules, added new §§ 3.38 and 3.187 to the rules, added new material to § 3.190, and ordered that this proceeding is terminated. The changes in the rules were all made effective October 30, 1959.

2. Upon further consideration of the Daytime Skywave proceeding and our decision therein, we are of the view that certain additional changes in our rules are necessary and appropriate in order to achieve proper and complete resolution of this matter. These are: (1) clarification of the language of the new § 3.187(a) so as to define the pertinent vertical angles of radiation which are to be considered in applying the restrictions on operation during the two hours after sunrise and the two hours before sunset; (2) modification of the same section so as to permit changes in existing Class II facilities which, while not conforming to the new restrictions, would not result in daytime skywave interference greater than that from the present facilities; (3) similar modification of the restriction on changes in existing Class II Limited Time facilities (§ 3.38); and (4) a clarifying amendment to § 3.87 relating to pre-sunrise operation by Class II stations. Accordingly, on our own motion, pursuant to § 1.16 of our rules, we set aside those portions of Paragraph 27 of our September 18 Report and Order, and of the Appendix thereto, which: (1) make all of the changes in the rules effective October 30, 1959; (2) set forth the text of new §§ 3.38 and 3.187; (3) order the proceeding terminated. The present Supplemental Report and Order covers these matters; in all other respects our September 18 Report and Order is affirmed.

3. *The pertinent vertical angles involved.* In our March 1954 Proposed Report and Order herein (FCC 54-333, 10 Pike & Fischer R.R. 1541) we stated (Paragraph 30) that the proposed permissible-radiation curves would permit radiation "at or below the values given by these curves in the vertical angles below the pertinent angles" during the four transitional hours. In Footnote 17 of the same document we indicated that the "pertinent angles" mentioned were those obtained by application of Curve 4 of Figure 6a of the Standards of Good Engineering Practice (now Figure 6a of § 3.190 of the rules). Our Report and Order issued herein on September 18 did not contain any specific reference to the vertical angles to be considered in applying the permissible-radiation curves.

4. Upon further consideration, we are of the view that the determination reached in 1954 concerning this matter is correct, and that in each case the portion of the vertical radiation pattern to which the daytime skywave restrictions should be applied is that up to and including the pertinent angle as indicated by Curve 4 of Figure 6a. It appears that this will afford an adequate degree of protection against daytime skywave interference. It might be argued that portions of the vertical angle higher than the "pertinent angle" indicated by Figure 6a should also be considered, and applicants be required to show compliance with the daytime skywave restrictions at such higher angles. But such a rigid requirement we believe to be undesirable, especially because if it should be adopted our rules would present the anomaly of requiring a more complete showing of protection with respect to daytime skywave radiation than with respect to nighttime skywave radiation (which is of course much greater), since the latter is evaluated over the portion of the vertical angle up to the pertinent angle as indicated by Fgures 6 or 6a (See § 3.185 of the rules). Therefore, we adopt herein the decision on this matter announced in our 1954 Proposed Report and Order. Accordingly, we are amending § 3.187(a) by the addition of the words "at or below the pertinent vertical angle determined from Curve 4 of Figure 6a of § 3.190" immediately after the words "Class I station" in subparagraph (1) of that paragraph.

5. *Changes in facilities not resulting in increased daytime skywave interference.* As set forth in the Appendix to our September Report and Order, § 3.187(a) precludes the authorization of any new Class II facilities and of any changes in facilities, unless the proposed operation would comply with the new daytime skywave restrictions. Upon further consideration, we conclude that this rule is unduly restrictive as to changes in facilities, in that it would preclude authorizations for changes in Class II operations which, while not meeting the new restrictions, would in fact cause daytime skywave interference less than, or no more than, the present mode of the Class II station's operation. Therefore we are revising § 3.187(a) so as not to preclude grants of changed facilities where there would be no increase in daytime radiation toward the co-channel Class I station, or material decrease in the distance to that station's normally protected contour, even though such changes would not conform to the new daytime radiation restrictions. The rule as amended also provided that where an existing Class II station is authorized to make changes which increase daytime radiation toward the co-channel Class I station (but do not involve changes in frequency or material reduction in distance to that station), the radiation during the transitional hours may remain the same as that now radiated in such directions, even though higher than the level otherwise permitted under the daytime skywave restrictions.

6. *Restrictions on changes in existing Limited Time Class II facilities.* As set forth in the Appendix to our September 18 Report and Order, new § 3.38 of our rules states in substance that no substantial changes in the facilities of existing Class II Limited Time stations will be authorized. Upon further consideration, the rule as set forth appears unduly restrictive, for reasons similar to those just set out with respect to new § 3.187. Accordingly, we are revising new § 3.38 to permit future changes in the facilities of existing Limited Time stations which do not involve changes in frequency or a material reduction in distance to the co-channel U.S. Class I station, or increases in radiation toward

such Class I station during the "bonus hours" after local sunset.

7. *Restrictions on pre-sunrise operation by Class II stations.* Under § 3.87 of the rules Class II stations complying with conditions set out therein may operate prior to local sunrise with "their authorized daytime facilities". The amendment to § 3.87 adopted herein merely makes it clear that restrictions applicable under § 3.187 to post-sunrise operations apply to pre-sunrise operations under § 3.87.

8. Section 3.23(b) is also amended so as to change the date specified therein.

9. *In view of the foregoing, it is ordered,* (1) That Paragraph 27 of the Report and Order adopted herein on September 18, 1959 (FCC 59-970) is set aside, insofar as it makes the changes in the Commission's rules effective October 30, 1959, insofar as it orders new §§ 3.38 and 3.187 added to the rules as set forth in the Appendix thereto and amends § 3.23(b), and insofar as it orders this proceeding terminated; and the Appendix to said Report and Order is set aside insofar as it sets forth the text of amended § 3.23(b) and new §§ 3.38 and 3.187;

(2) That §§ 3.23(b) and 3.87 of the Comission's rules are amended as set forth below;

(3) That new §§ 3.38 and 3.187 are added to the Commission's Rules as set forth below;

(4) That those changes in the Commission's rules set forth in the Appendix to the September 18, 1959 Report and Order herein which have not been set aside in the present Supplemental Report and Order, and the changes in the rules set forth below, are effective November 30, 1959;

(5) That in all other respects the Report and Order adopted herein on September 18, 1959 (FCC 59-970) is affirmed; and

(6) That this proceeding is terminated.

Adopted: October 21, 1959.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 3.23(b) is amended to read as follows:

§ 3.23 Time of operation of the several classes of stations.

* * * * *

(b) Limited time is applicable to Class II (secondary) stations operating on a clear channel with facilities authorized before November 30, 1959. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

2. The following new § 3.38 is added:

§ 3.38 Limited time operation.

(a) Starting November 30, 1959, no authorization will be granted for:

(1) A new Limited Time station;

(2) A Limited Time station operating on a changed frequency;

(3) A Limited Time station with a new transmitter site materially closer to the 0.1 mv/m contour of a co-channel U.S. Class I station; or

(4) Modification of the operating facilities of a Limited Time station resulting in increased radiation toward any point on the 0.1 mv/m contour of a co-channel U.S. Class I station, during the hours after local sunset in which the Limited Time station is permitted to operate by reason of location east of the Class I station.

3. Section 3.87 is amended by the addition of the following paragraph (e):

§ 3.87 Program transmissions prior to local sunrise.

* * * * *

(e) Restrictions imposed by § 3.187 on daytime operations shall apply to pre-sunrise operation under this section.

4. The following new § 3.187 is added:

§ 3.187 Limitation on daytime radiation.

(a) (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, no authorization will be granted for Class II facilities if the proposed facilities would radiate, during the two hours after local sunrise and the two hours before local sunset, toward any point on the 0.1 mv/m contour of a co-channel U.S. Class I station, at or below the pertinent vertical angle determined from Curve 4 of Figure 6a of § 3.190, values in excess of those obtained as provided in paragraph (b) of this section.

(2) The limitation set forth in subparagraph (1) of this paragraph shall not apply in the following cases:

(i) Any Class II facilities authorized before November 30, 1959; or

(ii) For Class II stations authorized before November 30, 1959, subsequent changes of facilities which do not involve a change in frequency, an increase in radiation toward any point on the 0.1 mv/m contour of a co-channel U.S. Class I station, or the move of transmitter site materially closer to the 0.1 mv/m contour of such Class I stations.

(3) If a Class II station authorized before November 30, 1959, is authorized to increase its daytime radiation in any direction toward the 0.1 mv/m contour of a co-channel U.S. Class I station (without a change in frequency or a move of transmitter site materially closer to such contour), it may not, during the two hours after local sunrise or the two hours before local sunset, radiate in such directions a value exceeding the higher of:

(i) The value radiated in such directions with facilities last authorized before November 30, 1959, or

(ii) The limitation specified in subparagraph (1) of this paragraph.

(b) To obtain the maximum permissible radiation for a Class II station on a given frequency (f_{kc}) from 640 kc through 990 kc, multiply the radiation value obtained for the given distance and azimuth from the 500 kc chart (Figure 9 of § 3.190) by the appropriate interpolation factor shown in the K_{500} column of paragraph (c) of this section; and multiply the radiation value obtained for the given distance and azimuth from the 1000 kc chart (Figure 10 of § 3.190) by the appropriate interpolation factor shown in the K_{1000} column of paragraph (c) of this section. Add the two products thus obtained; the result is the maximum radiation value applicable to the Class II station in the pertinent directions. For frequencies from 1010 kc to 1580 kc, obtain in a similar manner the proper radiation values from the 1000 kc and 1600 kc charts (Figures 10 and 11 of § 3.190), multiply each of these values by the appropriate interpolation factor in the K'1000 and K'1600 columns in paragraph (c) of this section, and add the products.

(c) Interpolation factors. (1) Frequencies below 1000 kc.

f_{kc}	K_{500}	K_{1000}	f_{kc}	K_{500}	K_{1000}
640	0.720	0.280	780	0.440	0.560
650	0.700	0.300	800	0.400	0.600
660	0.680	0.320	810	0.380	0.620
670	0.660	0.340	820	0.360	0.640
680	0.640	0.360	830	0.340	0.660
690	0.620	0.380	840	0.320	0.680
700	0.600	0.400	850	0.300	0.700
710	0.580	0.420	860	0.280	0.720
720	0.560	0.440	870	0.260	0.740
730	0.540	0.460	880	0.240	0.760
740	0.520	0.480	890	0.220	0.780
750	0.500	0.500	900	0.200	0.800
760	0.480	0.520	940	0.120	0.880
770	0.460	0.540	990	0.020	0.980

(2) Frequencies above 1000 kc.

f'_{kc}	K'_{1000}	K'_{1600}	f'_{kc}	K'_{1000}	K'_{1600}
1010	0.983	0.017	1170	0.717	0.283
1020	0.967	0.033	1180	0.700	0.300
1030	0.950	0.050	1190	0.683	0.317
1040	0.933	0.067	1200	0.667	0.333
1050	0.917	0.083	1210	0.650	0.350
1060	0.900	0.100	1220	0.633	0.367
1070	0.883	0.117	1500	0.167	0.833
1080	0.867	0.133	1510	0.150	0.850
1090	0.850	0.150	1520	0.133	0.867
1100	0.833	0.167	1530	0.117	0.883
1110	0.817	0.183	1540	0.100	0.900
1120	0.800	0.200	1550	0.083	0.917
1130	0.783	0.217	1560	0.067	0.933
1140	0.767	0.233	1570	0.050	0.950
1160	0.733	0.267	1580	0.033	0.967

[F.R. Doc. 59-9287; Filed, Nov. 2, 1959; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54971]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

U.S. Government Importations

Provisions of law governing importations by certain agencies and offices of the United States Government have been amended and certain statutes have been recodified.

To reflect these changes the Customs Regulations relating to Government importations are hereby amended as follows:

1. Footnote 41 appended to § 10.46 is amended to read:

[95] "Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress; sound recordings imported by the Department of State for use in the program authorized by the United States Information and Educational Exchange Act of 1948." (Tariff Act of 1930, par. 1628, as amended (free list); 19 U.S.C. 1201, par. 1628)

2. Section 10.103 is amended to read:

§ 10.103 Entry, examination, and tariff status.

Except as otherwise provided for in § 8.8(d), 8.15(c)(12), 8.28(c) of this chapter, 10.104, 10.105, or elsewhere in these regulations, importations made by or for the account of any agency or office of the United States Government are subject to the usual customs entry and examination requirements, and, in the absence of express exemptions from duty, such as are contained in paragraph 1628 or other free list provision of the Tariff Act of 1930, as amended,[95] the Act of August 10, 1956 (10 U.S.C. 2383),[96] section 602(d)(6) of the Act of June 30, 1949, as amended (40 U.S.C. 474(6)),[97] and section 161(1), Atomic Energy Act of 1954 (42 U.S.C. 2201(1)),[98] such importations are also subject to duty.

3. Footnotes 96, 97, and 98 appended to section 10.103 are deleted and the following new footnotes 96 and 97 are substituted therefor:

[96] "The Secretary of a military department may make emergency purchases of war material abroad. Material so purchased shall be admitted free of duty." (10 U.S.C. 2383)

[97] "Nothing in this chapter * * * shall impair or affect any authority of * * * (6) the Secretary of the Defense * * * and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act, and provided that any imported materials which the authorized procuring agency shall certify to the Commissioner of Customs to be strategic and critical materials procured under said Act may be entered, or withdrawn from warehouse free of duty; * * *." (40 U.S.C. 474(6))

4. Footnote 98a is renumbered 98.

5. Section 10.104 is amended as follows:

a. The headnote and first sentence of paragraph (a) are amended to read:

§ 10.104 Importations by a military department, the General Services Administration, and the Atomic Energy Commission.

(a) Shipments consigned to a military department, the General Services Administration, the Atomic Energy Commission, or other party acting for the Atomic Energy Commission, or to an officer or official of any such agency in his official capacity, shall be regarded for purposes of this regulation as shipments the immediate delivery of which is necessary within the purview of section 448(b), Tariff Act of 1930.

b. Paragraph (c)(1) is amended to read:

(c)(1) Collectors may admit articles free of duty under the Act of August 10, 1956 (10 U.S.C. 2383), only upon receipt of a certificate executed by a duly authorized officer or civilian official of the appropriate department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (name of the military department), and it is accordingly requested that such material be admitted free of duty pursuant to the Act of August 10, 1956 (10 U.S.C. 2383).

_____
(Name)

_____
(Title), who has been designated to execute free-entry certificates for the above-named department

_____
(Grade) (Organization)

c. Paragraph (c)(2) is amended by deleting "Emergency Procurement Service," from the signature portion of the certificate form.

d. The citation of authority for section 10.104 is amended to read:

(70A Stat. 137, sec. 448(b), 46 Stat. 714, sec. 602(d)(6), 63 Stat. 402, sec. 161(1), 68 Stat. 950; 10 U.S.C. 2383, 19 U.S.C. 1448(b), 40 U.S.C. 474(6), 42 U.S.C. 2201(1))

6. The citation of authority for section 10.105 is amended to read:

(70A Stat. 137, sec. 201 (par. 1615), 46 Stat. 674, as amended, sec. 602(d)(6), 63 Stat. 402, sec. 161(1), 68 Stat. 950; 10 U.S.C. 2383, 19 U.S.C. 1201 (par. 1615), 40 U.S.C. 474(6), 42 U.S.C. 2201(1))

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 28, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9271; Filed, Nov. 2, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Label Declaration of Vitamin E in Foods for Special Dietary Use

Correction

In F.R. Doc. 59-9169, appearing at page 8792 of the issue for Thursday, October 29, 1959, the quoted statement in § 3.9(a) should read: "The need for _____ in human nutrition has not been established,".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.417]

PART 52—BIRTHS AND MARRIAGES

Registration of Births

Section 52.1 *Registration of birth abroad and certification thereof,* of Title 22 of the Code of Federal Regulations is amended to read as follows:

§ 52.1 Registration of birth abroad and certification thereof.

In order that children born abroad who are citizens of the United States may be provided with the means to establish a record of their birth, the following shall govern:

(a) *Registration of birth.* (1) Upon application of a parent or person in interest, consular officers are required to record the birth abroad of children who are citizens of the United States. The proof of birth may consist of, but is not limited to, an authentic copy of the registry of the birth with local authorities, a baptismal certificate, or an affidavit of the doctor or other person attending at the birth, etc. If no such proof of the birth is available, the applicant for registration of the birth must submit his affidavit explaining satisfactorily why such proof is not available and setting forth the facts relating to the birth. If satisfied as to the facts relating to the birth of the child, the consul shall record the birth.

(2) *Fees for registration of birth record.* At the time of the registration of birth, the consular officer shall issue to the parent or person in interest a copy of the registration record when requested and upon payment of a fee of $1.50. Additional copies of the registration of birth record shall be issued by the Authentication Officer of the Department of State for and on behalf of the Secretary of State, when requested by the parent or person in interest and upon payment of the required fees, in accordance with § 21.1 *Schedule of fees* of this chapter. All requests for a copy or copies of the registration of birth record subsequent to the time of registration shall be made in accordance with § 21.2 of this chapter.

(b) *Certification of birth record.* (1) At the time of registration of birth, the consular officer shall furnish to the parent or person in interest a formal Certification of Birth record without fee. This certification shall include the name, sex, place and date of birth, and date of filing of the birth registration record. The certification form shall bear the signature of the consular officer, the date of the issuance, and the seal of the issuing office.

(2) At any time subsequent to the registration of birth, when requested and upon payment of the required fee, the Authentication Officer of the Department of State for and on behalf of the Secretary of State shall issue to the parent or person in interest a "Certification of Birth" form which shall be similar in content to that described in subparagraph (1) of this paragraph. All requests for "Certification of Birth" under the provisions of this paragraph shall be made in accordance with § 21.2 of this chapter.

(3) *Fees for certification of birth record.* The fee for issuance of a Certification of Birth subsequent to the

registration of birth is $2.50. The fees for additional copies are in accordance with § 21.1, *Schedule of fees*, of this chapter.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs, Department of State.

OCTOBER 23, 1959.

[F.R. Doc. 59-9293; Filed, Nov. 2, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

[Reg. Docket No. 169; Special Civil Air Reg. SR-437]

Chapter I—Federal Aviation Agency

PART 60—AIR TRAFFIC RULES

Chapter III—Federal Aviation Agency

PART 620—SECURITY CONTROL OF AIR TRAFFIC

Flight Plans for Flight of Civil Aircraft Over Cuba

In order to provide for the proper coordination and clearance of all civil aircraft departing the United States for flight to or over Cuba, this regulation requires the pilot in command of such aircraft to file a flight plan prior to takeoff. The DVFR or IFR flight plan required in § 620.11 of the Security Control of Air Traffic Rules may be used for this purpose. Additionally, at least one hour prior to departure a statement in writing with certain supplemental information must be filed with the office of the Immigration and Naturalization Service at the international airport from which such flights will depart.

This regulation does not apply to scheduled air carriers or foreign air carriers conducting flights from a place in the United States over routes authorized in operations specifications issued by the Administrator.

Since a situation exists requiring the immediate adoption of this regulation for the national security and safety in air commerce I find that notice and public procedure hereon are impracticable, and that good cause exists for making this regulation effective on November 4, 1959.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted.

No person shall operate a civil aircraft from the United States for flight over, or landing within Cuba, unless departure is made from an international airport designated as an international airport of entry in § 6.13 of the Air Commerce Regulations of the Bureau of Customs (19 CFR 6.13).

The pilot in command of a civil aircraft departing from the continental United States (excluding Alaska) for flight over, or landing within, Cuba, shall file a DVFR or IFR flight plan in accordance with the requirements prescribed in § 620.11 of the Security Control of Air Traffic Rules (14 CFR 620). In addition, at least one hour prior to the time of departure from such international airport, the pilot in command shall file with the office of the Immigration and Naturalization Service at the airport a written statement containing the information in the flight plan, together with the following further information: Number and names of all persons aboard the aircraft, description of the cargo, if any, carried aboard the aircraft, and the international airport of departure.

This regulation shall not apply to aircraft operated by a scheduled air carrier or foreign air carrier departing from the United States over routes authorized in operations specifications issued by the Administrator.

This regulation shall become effective on November 4, 1959, and remain in effect until superseded, rescinded or revoked.

(Sec. 313(a), 601(a), 1202; 72 Stat. 752, 775, 800; 49 U.S.C. 1354(a), 1421(a), 1522)

Issued in Washington, D.C., on October 30, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-9330; Filed, Nov. 2, 1959; 10:25 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 166; Amdt. 49]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Due to repeated loosening of wing leading edge attachment screws between the fuselage and the outboard nacelles, inspection must be accomplished on all Lockheed Model 188 aircraft until a corrective means is developed by the manufacturer.

For the reasons stated above, the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-21-2 LOCKHEED. Applies to all Lockheed Model 188 Series aircraft. Compliance required as indicated.

Due to repeated loosening of wing leading edge attachment screws between the fuselage and the outboard nacelles, the following inspections shall be conducted:

(a) At each 50 hours of service time, visually inspect the leading edge attachment screws, top and bottom, from the fuselage to the outboard nacelles, paying particular attention to screws adjacent to nacelles. Tighten any screws found loose.

(b) At 300-hour intervals retighten all affected screws to 25 to 40 in./lbs. torque.

The above inspection program may be discontinued upon the installation of an approved attachment. Such corrective means is currently being developed and this airworthiness directive will be revised to indicate the means when this action is completed.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-9251; Filed, Nov. 2, 1959; 8:45 a.m.]

[Reg. Docket No. 167; Amdt. 50]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As there is a possibility of using the same fuel tank caps on Piper PA-20 aircraft as used on the Piper models covered by airworthiness directive 59-10-8, a revision to the directive is necessary to include Model PA-20 as well as to indicate that the referenced Service Bulletin supplements the AD.

Further review has shown that an amendment can be made to directive 59-16-2 on Lockheed 18, PV-1 and PV-2 aircraft discontinuing the 300-hour inspection after incorporation of spar reinforcements.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 59-10-8 Piper as it appeared in 24 F.R. 5178 is revised by adding "PA-20" to the applicability statement and changing the compliance statement to read as follows: "Compliance required not later than July 15, 1959, for Models PA-18, PA-18A and PA-22, and not later than November 30, 1959, for Model PA-20."

Also, delete the parenthetical statement at the end of the directive and substitute the following: "(This airworthiness directive supplements Piper Service Bulletin No. 148A dated May 29, 1957. The drawings included in this bulletin may be referred to as a guide in reworking the fuel tank caps.)"

2. 59-16-2 Lockheed as it appeared in 24 F.R. 6581 is revised by changing the applicability statement to read as follows: "Applies to all Lockheed Model 18, PV-1, and PV-2 Series aircraft except those incorporating spar reinforcement as covered in Lockheed Aircraft Service Bulletin 18/SB-112."

In addition, the last paragraph is revised by inserting the following before the final sentence: "Visual inspections of the area with a 10-power glass are adequate. The 300-hour inspection may be discontinued after incorporation of the reinforcements."

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-9252; Filed, Nov. 2, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-117]

[Amdt. 78]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 90]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6010 and 601.6010 of the regulations of the Administrator is to revoke the segment of VOR Federal airway No. 10, and its associated control areas, which extends from Youngstown, Ohio, to Coney Island, N.Y., intersection.

The revocation of this segment of Victor 10 is a part of a Federal Aviation Agency plan to revise traffic flow procedures in the New York, N.Y., control area. Victor 10 overlies VOR Federal airway No. 6 between Youngstown and the Numidia, Pa., intersection, and is not necessary. Between the McAdoo, Pa., intersection and Stroudsburg, Pa., Victor 10 does not have adequate lateral separation with VOR Federal airway No. 232. In Airspace Docket No. 59-WA-114, which is effective concurrently with this action, Victor 232 is extended from Stroudsburg to the Somerset, N.J., intersection, and will replace Victor 10 between these points. The portion of Victor 10 from the Somerset intersection to the Coney Island intersection is no longer utilized. Therefore, the retention of this segment of Victor 10 and its associated control areas between Youngstown and Coney Island intersection is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Victor 10, and its associated control areas, will then extend from Pueblo, Colo., to Youngstown, Ohio.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6010 (14 CFR, 1958 Supp., 600.6010, 24 F.R. 701, 24 F.R. 3226) and § 601.6010 (14 CFR, 1958 Supp., 601.6010) are amended as follows:

1. Section 600.6010 *VOR Federal airway No. 10 (Pueblo, Colo., to New York, N.Y.)*:

(a) In the caption delete "*(Pueblo, Colo., to New York, N.Y.)*" and substitute therefor "*(Pueblo, Colo., to Youngstown, Ohio)*."

(b) In the text delete "Youngstown, Ohio, omnirange station; Clarion, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; point of intersection of the Wilkes-Barre-Scranton, Pa., omnirange 217° True and the Stroudsburg, Pa., omnirange 270° True radials; Stroudsburg, Pa., omnirange station; to the point of INT of the Stroudsburg VOR 114° with the Robbinsville, N.Y., VOR 040° radials." and substitute therefor "to the Youngstown, Ohio, VOR."

2. Section 601.6010 *VOR Federal airway No. 10 control areas (Pueblo, Colo., to New York, N.Y.)*: In the caption delete "*(Pueblo, Colo., to New York, N.Y.)*" and substitute therefor "*(Pueblo, Colo., to Youngstown, Ohio)*."

These amendments shall become effective 0001 e.s.t. December 17, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on October 26, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9255; Filed, Nov. 2, 1959; 8:45 a.m.]

[Airspace Docket No. 59-LA-46]

[Amdt. 34]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.36, Fallon, Nev. (R-267) (Reno Chart), is to reduce the size of the Restricted Area to 39 square miles vice 117 square miles; to change the designated altitudes to surface to 8,000 feet vice surface to unlimited; and to change the time of designation to continuous during VFR conditions only vice continuous.

The U.S. Navy has requested that the size of Restricted Area (R-267) be reduced to encompass only that area required for air-ground jettison of unexpended ordnance. The Navy has a need for a dump area to dispose of ordnance which aircraft must expend as a result of: Diversion from primary target; ordnance that cannot be returned to the operating field with the aircraft; and ordnance that could not be delivered on the primary target by reason of equipment malfunction.

Restricted Area R-267 is located approximately 29 miles northeast of Fallon, Nev. The target for jettisoning of ordnance in this restricted area is a rock pinnacle which can be recognized by its profile and central location in the Carson Sink area. Restricted Area R-267 will be utilized by the Navy on a continuous use basis under visual flight rule conditions only, from the surface to 8,000 feet.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary

In consideration of the foregoing, the following action is taken:

In § 608.36, the Fallon, Nev., Restricted Area (R-267) (Reno Chart) (23 F.R. 8583) is amended to read:

Description by geographical coordinates. Beginning at latitude 39°52'45", longitude 118°17'15", thence to latitude 39°48'15", longitude 118°17'15", thence to latitude 39°48'15", longitude 118°24'00", thence to latitude 39°52'45", longitude 118°24'00", thence in a semi-circular pattern to the point of beginning, with a radius of 3 miles from latitude 39°52'36, longitude 118°20'47".

Designated altitudes. Surface to 8000 feet.

Time of designation. Continuous during VFR conditions only.

Controlling agency. Commander, Naval Air Bases, Twelfth Naval District, Alameda, California. Local control for use or transit is NAAS Fallon Tower.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on October 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-9253; Filed, Nov. 2, 1959; 8:45 a.m.]

[Airspace Docket No. 59-FW-69]

[Amdt. 40]

PART 608—RESTRICTED AREAS

Revocation

The purpose of this amendment is to revoke the Camp Bowie, Tex., restricted area (R-480) (Austin Chart).

Department of the Navy has advised that Restricted Area (R-480) is no longer being utilized and that they have no present or future requirement for the area. Therefore, the Federal Aviation Agency is revoking Restricted Area R-480.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.51 the Camp Bowie, Texas (R-480) (Austin Chart) (23 F.R. 8587) is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on October 28, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-9254; Filed, Nov. 2, 1959; 8:45 a.m.]

[Reg. Docket No. 160; Amdt. 141]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MKE VOR	MKE-LFR	Direct	2500	T-dn	300-1	300-1	200-½
Franksville FM (Final)	MKE-LFR	Direct	1400	C-dn	600-1	600-1	600-1½
Int MKE VOR R-086 & N crs MKE LFR	MKE-LFR	Direct	2700	S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of S crs, 179° Outbnd, 359° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500' after a procedure turn is conducted; 1400' straight-in over Franksville FM.
Crs and distance, facility to airport, 356—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 2700' on N crs MKE-LFR, or when directed by ATC, make left climbing turn, climb to 2500' on W crs MKE-LFR within 20 miles.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 693'; Fac. Class., SBRAZ; Ident., MKE; Procedure No. 1, Amdt. 11; Eff. Date, 20 Oct 59; Sup. Amdt. No. 10; Dated, 27 Dec. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MKC-LFR	FRY RBn	Direct	2400	T-dn	300-1	300-1	200-½
MKC-VOR	FRY RBn	Direct	2400	C-dn*	600-1	600-1	700-1½
Farley Int	FRY RBn	Direct	2400	S-dn-30	600-1	600-1	600-1
DeSoto Int	FRY RBn	Direct	2400	A-dn	1600-3	1600-3	1600-3
STJ "H"	FRY RBn	Direct	2400				

Procedure turn East side of crs, 124° Outbnd, 304° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 304°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing FRY "H", climb to 2400' on crs 304° from the "H" to the #Atchinson Int. Hold Southeast one minute, all turns to the right.
CAUTION: Hills and towers with elevations to 1066' MSL adjacent to airport W & NW.
*All circling approaches will be made to the east of the airport.
#Atchinson Int: 304° brng from FRY "H" and either the STJ VOR R-203 or the TOP VOR R-021.

City, Ft. Leavenworth; State, Kans.; Airport Name, Sherman AAF; Elev., 770'; Fac. Class., "H"; Ident., FRY; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 Nov. 59

Greenville LFR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Honea Int	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side S crs, 181° Outbnd, 001 Inbnd, 2200' within 10 mi.
Minimum altitude over LOM inbnd final, 1600'.
Distance to appr end of rny at OM, 3.6; at MM, 0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 3200' on N crs GRL LFR within 10 miles, turn right and return to LOM or, when directed by ATC, climb to 4000' on N crs LFR within 13 miles, turn right and return to LFR.
CAUTION: Heavily obstructed missed approach area.
Major Change: Deletes the transition from Reedy Int.

City, Greenville; State, S.C.; Airport Name, Greenville; Elev., 1049'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 59; Sup. Amdt. No. Orig.; Dated, 2 Aug. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ponca City VOR	PNC-ADF	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 350° Outbnd, 170° Inbnd, 2300' within 10 miles of Kildare Fix.*
Minimum altitude over facility on final approach crs, 1800' over Kildare Fix.*
Crs and distance, facility to airport, 170—3.6 from Kildare Fix.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, after passing PNC RBN, climb to 2300' on crs of 210° within 20 miles.
NOTE: Procedure authorized only for aircraft equipped to receive Ponca City RBN and Ponca City VOR bearings simultaneously.
*Kildare Fix is Int 040° radial PNC VOR and final approach crs.

City, Ponca City; State, Okla.; Airport Name, Municipal; Elev., 1014'; Fac. Class., BMH; Ident., PNC; Procedure No. 2, Amdt. 1; Eff. Date, 21 Nov. 59; Sup. Amdt. No. Orig.; Dated, 26 June 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	NA	NA
				C-d	800-1	NA	NA
				C-n	800-3	NA	NA
				A-d	1000-2	NA	NA
				A-n	1000-3	NA	NA

Procedure turn North side of crs, 049° Outbnd, 229° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 229°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Bluefield VOR, make an immediate climbing right (North) turn to 5000'. Hold Northeast on the Bluefield VOR R-049 within 10 miles of the VOR.

City, Bluefield; State, W. Va.; Airport Name, Mercer County; Elev., 2857'; Fac. Class., VOR; Ident., BLF; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 59; Sup. Amdt. No. Orig.; Dated, 9 May 59

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn* East side of crs, 049° Outbnd, 229° Inbnd, 1500' within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, breakoff point to approach end of Rnwy 24, 238°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a right climbing turn to 1500' on R-049 within 10 miles.
*Procedure turn nonstandard to provide lateral separation with Willow Grove, Pa.

City, Philadelphia; State, Pa.; Airport Name, N. Philadelphia; Elev., 120'; Fac. Class., VOR; Ident., PNE; Procedure No. 1, Amdt. Orig; Eff. Date, 21 Nov. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	
				C-d	700-1	700-1	
				C-n	700-2	700-2	
				A-dn	1500-2	1500-2	

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 4500' within 10 mi.
Minimum altitude over facility on final approach crs, 3200'.
Crs and distance, breakoff point to appr. end of rnwy, 101—0.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing right turn to 5000' hold West of Beckley VOR 288° Outbnd, 108° Inbnd.

City, Beckley; State, W. Va.; Airport Name, Raleigh County Memorial; Elev., 2504'; Fac. Class., VOR; Ident., BKW; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 59; Sup. Amdt. No. Orig.; Dated, 19 May 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-23	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2
				If aircraft dual omni equipped and Prison Int received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-23	400–1	400–1	400–1

Procedure turn North side of crs, 046° Outbnd, 226° Inbnd, 2300' within 10 mi.
Minimum altitude over Prison Int* on final approach crs, 1700'.
Crs and distance, Prison Int* to airport, 226°—3.7 mi.
Minimum altitude over JXN VOR** on final approach crs, 1400'.
Crs and distance, breakoff point to Rnwy 23, 233°—0.30 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R-226 within 10 miles. Reverse course, proceed to JXN VOR.
CAUTION: Tower 3.0 mi NE, 1310'; tower 11.3 mi NW, 1969'.
*Prison Int: Int JXN VOR R-046 and LAN VOR R-154.
**If Prison Int not received, descent below 1700' not authorized.

City, Jackson; State, Mich.; Airport Name, Reynolds Field; Elev., 1000'; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-23, Amdt. Orig.; Eff. Date, 21 Nov. 59

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-13	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				If aircraft dual omni equipped and Cloverleaf Int received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1

Procedure turn West side of crs, 308° Outbnd, 128° Inbnd, 2300' within 10 mi.
Minimum altitude over Cloverleaf Int* on final approach crs, 1500'.
Crs and distance, Cloverleaf Int to airport, 128°—4.4 mi.
Minimum altitude over JXN VOR** on final approach crs, 1400'.
Crs and distance, breakoff point to Rnwy 13, 135°—0.30 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R-128 within 10 mi. Reverse crs, proceed to JXN VOR.
CAUTION: Tower 11.3 mi NW, 1969'.
*Cloverleaf Int: Int JXN VOR R-308 and LFD VOR R-036.
**If Cloverleaf Int not received, descent below 1500' not authorized.

City, Jackson; State, Mich.; Airport Name, Reynolds Field; Elev., 1000'; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-13, Amdt. Orig.; Eff. Date, 21 Nov. 59

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-5	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 240° Outbnd, 060° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, breakoff point to Rnwy 5, 053°—0.25 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R-060 within 10 miles, reverse course, proceed to JXN VOR.
CAUTION: Tower 3.0 mi NE, 1310'; tower 11.3 mi NW, 1969'.

City, Jackson; State, Mich.; Airport Name, Reynolds Field; Elev., 1000'; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-5, Amdt. Orig.; Eff. Date, 21 Nov 59

				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-31	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2
				If aircraft dual omni equipped and Town Int received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-31	400–1	400–1	400–1

Procedure turn East side of crs, 143° Outbnd, 323° Inbnd, 2300' within 10 mi.
Minimum altitude over Town Int* on final approach crs, 1700'.
Crs and distance, Town Int* to airport, 323°—2.5 mi.
Minimum altitude over JXN VOR** on final approach crs, 1400'.
Crs and distance, breakoff point to Rnwy 31, 315°—0.27 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over JXN VOR, climb to 2300' on R-308 within 10 mi. Reverse course, proceed to JXN VOR.
CAUTION: Tower 2.5 mi SE, 1330'; tower 11.3 mi NW, 1969'.
*Town Int: Int JXN VOR R-143 and LFD VOR R-053.
**If Town Int not received, descent below 1700' not authorized.

City, Jackson; State, Mich.; Airport Name, Reynolds Field; Elev., 1000'; Fac. Class., BVOR; Ident., JXN; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 21 Nov. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Greenville LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Honea Int	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
				S-dn-36*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn W side S crs. 181° Outbnd, 001° Inbnd, 2200' within 10 miles.
Minimum altitude at G.S. int inbnd, 2200'.
Altitude of G.S. and distance to appr end of rny at OM 2188—3.6, at MM 1213—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5000' on R-190 AVL-VOR and hold south of Tigerville Int or, when directed by ATC, climb to 3200' on N crs ILS within 10 mi, turn right and return to LOM.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.
Major Change: Deletes transition from Reedy Int to LOM (Final).
*No approach lights, 400-¾ required when glide slope not utilized.

City, Greenville; State, S.C.; Airport Name, Greenville; Elev., 1049'; Fac. Class., ILS; Ident., IGRL; Procedure No. ILS-36, Amdt. 5; Eff. Date, 21 Nov. 59; Sup. Amdt. No. 4; Dated, 2 Aug. 58

MKE-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Franksville FM-ILS	LOM (Final)	Direct	2000	C-dn	600-1	600-1	600-1½
Franksville FM-ADF	LOM (Final)	Direct	1400	S-dn-1:			
Int N crs MKE LFR and S crs ILS	LOM	Direct	2000	ILS	200-½	200-½	200-½
Genesee FM	LOM	Direct	2000	ADF	500-1	500-1	500-1
Racine Int VHF	LOM	Direct	2000	A-dn:			
Cardinal Int VHF	LOM	Direct	2700	ILS	600-2	600-2	600-2
MKE VOR	LOM	Direct	2500	ADF	800-2	800-2	800-2

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd—2000' ILS. Min. alt. over LOM inbnd final 1400' ADF.
Altitude of glide slope and distance to approach end of runway at OM 2035—4.1; at MM 918—0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb to 2700' on N crs MKE-LFR within 20 mi, or when directed by ATC, make left climbing turn to 2300' and intercept R-109 MKE and proceed to MKE-VOR.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 698'; Fac. Class., ILS-MKE; Ident., LOM-MK; Procedure No. 1, Amdt. 10, Comb. ILS-ADF; Eff. Date, 20 Oct 59; Sup. Amdt. No. 9; Dated, 22 Jan 56

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision Approach			
				T-dn	300-1	300-1	200-½
				C-d-34	600-1	600-1	600-1½
				C-n-34	600-2	600-2	600-2
				S-d-34	300-½	300-½	300-½
				S-n-34	300-1	300-1	300-1
				A-dn-34	600-2	600-2	600-2
				Surveillance Approach			
				T-dn-16, 34	300-1	300-1	200-½
				C-d-16, 34	600-1	600-1	600-1½
				C-n-16, 34	600-2	600-2	600-2
				S-d-16, 34	600-1	600-1	600-1½
				S-n-16, 34	600-2	600-2	600-2
				A-dn-16, 34	800-2	800-2	800-2

Instrument Approach to be conducted in accordance with USAF GCA Standard Instrument Approach.

City, Tacoma; State, Wash.; Airport Name, McChord AFB; Elev., 320'; Fac. Class., McChord AFB; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 21 Nov. 59; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D. C., on October 19, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59-8936; Filed, Nov. 2, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 816, Amdt. No. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (ii) and (iii) of § 953.923 (Lemon Regulation 816, 24 F.R. 8630) are hereby amended to read as follows:

(ii) District 2: 144,150 cartons;
(iii) District 3: 65,100 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9290; Filed, Nov. 2, 1959; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

Approval of Claim; Allowable Claims

Public Law 86–238 amended section 2672 of Title 28 of the United States Code to increase the limit for administrative settlement of claims under the tort claims procedure from $1,000 to $2,500. Paragraph (a) of §§ 3.3 and 3.21 are amended to conform to the provisions of Public Law 86–238.

(1) Paragraph (a) of § 3.3 is amended to read as follows:

§ 3.3 Approval of claim.

(a) Claims not exceeding $2,500 submitted under the Federal Tort Claims Act and claims not exceeding $1,000 submitted under the Small Claims Act are approved or disapproved by the head of the bureau, division or office out of whose activities the accident or incident arose, or his designee, upon the recommendation of the Chief Counsel or other legal officer in immediate charge of the legal affairs of the bureau, division or office.

(2) Section 3.21 is amended to read as follows:

§ 3.21 Allowable claims.

Claims are payable by the Department under the Federal Tort Claims Act and this subpart on account of damage to, or loss of, property or on account of personal injury or death, where the total amount of the claim does not exceed $2,500, caused by the negligent or wrongful act or omission of any employee of the Department, while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury or death, in accordance with the law of the place where the act or omission occurred.

(Pub. Law 86–238)

Dated: October 28, 1959.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9273; Filed, Nov. 2, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

WAREHOUSE WITHDRAWALS; FILING OF ENTRIES

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to authority contained in sections 161, as amended, and 251 of the Revised Statutes and sections 557 and 624 of the Tariff Act of 1930, as amended (5 U.S.C. 22, 19 U.S.C. 66, 1557, 1624), it is proposed to amend the Customs Regulations relating to withdrawals of merchandise from warehouses.

Withdrawals for consumption of merchandise in bonded warehouses cannot be completed until all duties and charges are paid. Dilatoriness on the part of importers in making such payments results in backlogs of pending withdrawals which create administrative problems in accounting. To prevent such dilatory practice, it is proposed to amend § 8.38 of the Customs Regulations to provide a reasonable time limit on the period withdrawals will be held for payment of duties and charges. The period proposed is 60 days.

Under § 8.37(a) of the Customs Regulations, withdrawals for consumption of merchandise in bonded warehouses are required to be filed in triplicate on customs Form 7505. Conditions peculiar to the port of New York relating to warehouse withdrawal procedure require a change in the number of copies of the withdrawal now filed. One additional copy of the withdrawal is required at New York for use in establishing necessary improvement in accounting controls.

The amendments in tentative form are as follows:

The first sentence of § 8.37(a) is amended to read: "Withdrawals for consumption of merchandise in bonded warehouses shall be filed in triplicate on customs Form 7505 (in quadruplicate at the port of New York)."

Section 8.38 is amended by inserting the following new sentence at the beginning thereof: "All duties or other charges on withdrawals for consumption must be paid within 60 days from the date the withdrawal is filed and approved or the withdrawal will be considered abandoned and therefore invalid."

(R.S. 161, 251, sec. 557, 624; 46 Stat. 759, 46 Stat. 744, as amended; 5 U.S.C. 22, 19 U.S.C. 1557, 1624)

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: October 28, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9270; Filed, Nov. 2, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Definitions

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 914.100 et seq.; Subpart—Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the amended marketing agreement and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed amendment would add a new paragraph to § 914.100 "Definitions" as follows:

§ 914.100 Definitions.

* * * * *

(e) Pursuant to § 914.17, the quantity of oranges comprising a carload, as such term is therein defined, is hereby increased from a quantity of oranges equivalent to 924 cartons of oranges to a quantity of oranges equivalent to 1,000 cartons of oranges.

All persons who desire to submit written data, views, or arguments for consideration in connection with the said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: October 29, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9291; Filed, Nov. 2, 1959; 8:49 a.m.]

[7 CFR Parts 924, 1025]

[Docket Nos. AO-225-A10, AO-310]

MILK IN DETROIT AND CENTRAL MICHIGAN MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions To Proposed Amendments To Tentative Marketing Agreements and To Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Detroit, Michigan, and Central Michigan, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements, and to the orders, were formulated, was conducted at Lansing, Michigan, on January 6–16, 1959, pursuant to notice thereof which was issued December 5, 1958 (23 F.R. 9552).

The material issues on the record of the hearing relate to:

I. Regulation of additional areas in Michigan.

(a) Need for and form of regulation;

(b) Character of commerce; and

(c) Specific boundaries of the area.

II. Provisions to be included in any new regulation, or to be modified in the present Detroit order with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices; and

(d) Distribution of proceeds to producers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

I. Regulation of additional area in Michigan.

(a) *Need for and form of regulation.* The handling of milk in the principal population centers of Southern Michigan should be brought under regulation. This should be accomplished by expansion of the present Detroit marketing area to a Southern Michigan marketing area.

Federal Order No. 24 presently regulates the handling of milk in Wayne County, which includes the City of Detroit, and in portions of the adjoining or nearby counties of Monroe, Washtenaw, Oakland, Macomb, and St. Clair. In addition to the Detroit urbanized area (as defined for 1950 census) the larger cities included are Ann Arbor, Pontiac, and Port Huron.

Alternative proposals were considered at the hearing to extend regulation to the substantial centers of population in the lower peninsula of Michigan which are not now included in the marketing areas of the Detroit, Toledo, Muskegon and Upstate Michigan orders. Six cooperative associations proposed that this be by a separate order for a Central Michigan marketing area to include all of 22 counties and 25 townships in four other counties. Michigan Milk Producers Association, which represents more than 80 percent of Detroit producers and more than half of those producers supplying the proposed Central Michigan area proposed that the Detroit marketing area be extended to include much of the same territory. Handler proposals expanded the area under consideration to a total of 32 counties plus parts of eight others. While not coextensive, all the principal proposals included Battle Creek, Bay City, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Saginaw and their environs. These are the largest cities in Michigan for which the handling of milk is not now regulated, with urban populations ranging from 50,000 to 250,000.

This area is also that from which the great majority of the milk supply for the presently defined Detroit market is drawn. Eighteen of the 20 supply plants qualified for Detroit are located in the area, as are farms of producers delivering milk direcly to Detroit bottling plants. Total Detroit production in the area is more than double that for the outstate markets.

There is considerable variation in the milk marketing methods in effect in these principal centers of population and in some instances these differences occur within the same area. Locals of Michigan Milk Producers Association at Bay City, Saginaw, Midland and Mount Pleasant negotiate class prices for all milk sold dealers in what is generally called the "Valley Market" and distribute returns to producers through an association pool. The Valley pool represented approximately 800 producers with production of 147 million pounds of milk in 1957. Similar arrangements prevail at Battle Creek and Jackson for lesser volumes of milk, 48 and 37 million pounds, respectively, in 1957. In the Flint area, class prices are likewise negotiated with local dealers distributing approximately 90 percent of the fluid sales of Flint plants, but returns to producers are based on the utilization of the plant to which the individual producer ships his milk. Producer receipts in 1957 were approximately 160 million pounds.

At Grand Rapids some dealers served by Michigan Milk Producers Association buy milk at class prices, others on a plant requirement basis. This volume represents only about 40 percent of the supply. For much of the remainder, another cooperative negotiates sales with dealers on different plans, but apparently establishes neither the volume nor the utilization of the milk sold on these plans. Grand Rapids milk supplies are estimated at approximately 120 million pounds annually.

The Kalamazoo Milk Producers Cooperative sells to cooperating dealers approximately 60 percent of the local milk supply on a classified price basis and distributes returns to its members through an association pool. Forty percent of the local milk supply is bought on varying flat price bases without regard to the use made of the milk. The proportion of milk bought without regard to use has increased steadily in recent years.

At Lansing there are no effective bargaining arrangements between producers and dealers. Paying prices to 683 producers delivering to 11 plants approximate the Detroit producer prices at plants near Lansing, regardless of the use made of the milk. This makes it profitable for Lansing dealers to maintain the highest possible utilization. Except as the producer members of a cooperative association processing and distributing milk share in income over operating costs, producers receive no benefit from the high Class I utilization of Lansing plants.

In addition to the distribution of milk from these principal centers of population there are numbers of small plants located in smaller cities and towns whose milk supplies are procured without regard to utilization. There is in addition substantial distribution throughout much of the area from the plant of a cooperative association located in Montcalm County. This plant is presently regulated under the Upstate Michigan order but distributes approximately 60 percent of its Class I sales in the Southern Michigan territory.

Substantial volumes of milk in packaged form are now sold in sales territory heretofore associated with each of these cities by dealers from one or more of the other cities. There is also extensive competition in the intervening smaller communities. Milk processed and packaged in Flint is sold in the "Valley" area and vice versa. Lansing milk is sold in the "Valley" area, Grand Rapids, Jackson, Battle Creek and Kalamazoo, and near, but not in, the City of Flint. One handler with bottling plants in Detroit, Lansing and Flint formerly operated a plant in Grand Rapids, but now serves his Grand Rapids trade from his Lansing plant. A substantial number of producers that formerly delivered to the Grand Rapids plant now deliver their milk to the Lansing plant.

Grand Rapids handlers recently have extended greatly their area of distribution, principally through chain store sales. One Grand Rapids dealer now serves stores in Livingston and Oakland Counties adjacent to the present boundary of the Order No. 24 marketing area. In addition this handler serves stores throughout the western half of lower Michigan, as does another Grand Rapids handler. Milk from Lansing and Grand Rapids, from the cooperative plant regulated under the Upstate Michigan order, and from a plant of another cooperative association in Berrien County are all sold in Kalamazo. Milk primarily associated with Kalamazoo is sold in Lansing, Jackson and in the area near Battle Creek.

These extensive inter-area sales have had substantial impact upon the classified price plans and local association pools operated in a number of the markets. The general effect has been to decrease the volume of Class I sales of dealers buying on classified price plans and to increase those of dealers procuring their supplies without regard to utilization. A further effect has been the negotiation of special sub-classes for areas of competition or types of outlets.

The most extensive expansion has been from Lansing, for which no classified price plan applies. The Valley pool provides reduced Class I pricing for milk sold in specific competitive areas. The Kalamazoo classified price schedule provides a 25-cent per hundredweight discount for milk sold to grocery stores and a further 25-cent reduction for milk sold by the first receiver to another milk plant. At Jackson and Battle Creek, from which local handlers have not engaged in extensive inter-area sales, substantial price concessions have been negotiated to meet the competition of milk from other districts. The Grand Rapids association pool has an equalization arrangement with the Battle Creek pool to compensate for the Grand Rapids sales in Battle Creek. While sales from outside plants in the City of Flint have been wholly from a plant in the "Valley" area for which price negotiations are on a basis comparable to Flint, the impact of milk purchased at flat prices has been felt in Flint. For some months in 1958 a Flint dealer who also operates a plant in Lansing diverted Lansing producers to his Flint plant, assigned these deliveries to his Class I sales and thereby increased the surplus milk for which his Flint producers were paid while the diverted producers were paid at Lansing prices.

Detroit handlers make substantial sales outside the presently defined marketing area. For such sales they compete with dealers from the outside markets. Throughout the "Thumb" area of Sanilac, Lapeer, Tuscola and Huron Counties a regulated handler whose plant is in Port Huron competes with Flint and Saginaw Valley dealers and markets 38 percent of his Class I sales in these counties. Other Detroit handlers also distribute milk in the "Thumb" area, Genesee County, Livingston County and the unregulated portions of St. Clair, Macomb, Oakland, and Washtenaw Counties. One such handler has daily sales in this area in excess of 30,000 pounds; another dealer sells 16,000 pounds daily.

Except in the "Thumb" area, competition between Detroit and outstate handlers has tended to concentrate nearer to the present marketing area boundary. Handlers with multiple plant operations have shifted their out-of-area sales from Detroit plants to unregulated plants. A handler with Detroit, Valley and Grand Rapids bottling plants maintains a distribution station at Owosso in Shiawassee County from which milk bottled at his Detroit plant had been distributed for considerable time before the Detroit order became effective. Since that time the milk distributed from Owosso has successively been Detroit milk, Grand Rapids milk, Detroit milk again, and is now milk from the Valley plant. The last change was in April 1957 at which time sales through the Owosso station were 25,000 pounds daily. Some Detroit producers were later shifted to the Valley market but their production was substantially less than the sales volumes lost to Dretroit. Substantial sales volumes in Washtenaw, Livingston and Oakland Counties have been lost to the Detroit pool as vendors formerly supplied by Detroit dealers have changed their source of supply to Lansing dealers.

Substantial volumes of milk move from Detroit plants to outstate plants. In 1958 almost 10 million pounds of milk was transferred as Class I milk from Detroit pool plants to nonpool plants not regulated under any other order. Such movements are almost exclusively to bottling plants in the outstate area under consideration.

There has developed a decided tendency for reserve milk supplies in this common supply area to gravitate to the Detroit pool and for the outstate markets to rely on the Detroit pool for supplemental supplies in the short season. Two of the cooperatives proposing a separate Central Michigan order operate Detroit supply plants in addition to the bottling plants from which they distribute milk. Reserve supplies may thus be carried in the Detroit pool without sharing Class I sales with Detroit producers. A number of outstate markets now receive milk only from farmers equipped to make delivery in bulk tank trucks. In the transition to this form of delivery producers delivering milk in cans transferred to nearby Detroit receiving plants. During the past two years there has been a substantial increase in the production of inspected milk in this area of Michigan. Yet for that portion (about 65 percent of the total) of the outstate markets for which records are available Class I sales have increased faster than producer receipts; receipts for 1956 were 136.5 percent of sales, 130.8 percent in 1957 and 126.5 for the data available for 1958. Detroit receipts, on the other hand increased from 139.4 percent of sales in 1956 to 144.9 in 1957 and 152.2 in 1958.

The rapid development of long distance sales distribution has outdated the local market concept upon which negotiated class prices and association pools have operated in certain of these population centers. The lack of any bargaining arrangements in some local markets, the volume of milk not affected by the arrangements in other local markets and diversity of producer representation preclude voluntary establishment of uniform bargaining and pooling arrangements for wider areas recognizing present sales patterns. Organized producer groups without exception support the proposal for minimum price regulation in this area. Handler opposition was largely confined to dealers in smaller communities.

It would be impossible to establish any realistic separate marketing area boundaries for the outstate markets and the Detroit market which would not provide for substantial sales of Detroit handlers in the proposed Central Michigan marketing area. Regulation of the outstate areas, in whatever form, provides opportunity for outstate dealers to market milk in the Detroit area without incurring additional regulation. This actual and potential sales competition and the common supply area require that most provisions of any regulation applicable in the outstate area be the same as those for Detroit, and that class prices at outstate

points be closely integrated with those applicable at Detroit plants. The issue with respect to a separate Central Michigan order versus extension of the present Detroit area is whether distribution to producers should be divided into two pools or be through a single pool.

The substantial sales competition throughout the area and the common co-extensive supply area leads to the conclusion that in Southern Michigan there is a single market supplied from a single supply area practically co-extensive with the market. Under these circumstances producers should share equally in the returns of the entire market. It is concluded there should be a single regulation for the Southern Michigan marketing area hereinafter defined, and that this should be accomplished by appropriate amendment of Order No. 24.

Stability of marketing conditions can be assured only when (1) all handlers in the entire area pay for their milk supplies on the basis of use, at prices uniform except for necessary adjustments for location of receipt and butterfat content, (2) such use is verified by impartial audit, (3) producers supplying all handlers receive uniform prices for their milk without regard to the use made of it by the handler receiving such milk, subject to similar adjustments, and (4) accurate information as to the total receipts and sales is provided to all interested parties. Inclusion of the area in a milk marketing order will provide the only practicable means of achieving these needs.

(b) *Character of commerce.* The handling of milk in the outstate areas to be brought under regulation affects and is affected by interstate commerce as is the present Detroit Federal order market.

There is considerable competition for milk supplies between these outstate markets and other Federal order markets. Supply plants for the Cleveland market are located at Coldwater and Constantine, Michigan, for which procurement routes compete for supplies with routes for Battle Creek, Kalamazoo and Detroit. A Chicago supply plant at Zeeland competes with Kalamazoo, Grand Rapids and Detroit for milk supplies. Procurement routes of Toledo, Ohio, handlers extend into the southeastern portion of the area. Grand Rapids and Kalamazoo dealers compete for milk supplies with Muskegon handlers.

There is likewise considerable competition for sales with Federal order markets other than Detroit. Toledo, Ohio, handlers extend their routes into the vicinity of Jackson and Battle Creek and a Toledo handler distributes milk in Livingston County. Certain Grand Rapids and Kalamazoo dealers sell milk in the Muskegon marketing area in quantity sufficient to bring them under partial regulation of the Muskegon order. Two of the Grand Rapids dealers likewise market milk in the Upstate Michigan marketing areas as does one Lansing dealer. The plant of the Dairyland Cooperative Association at Carson City is fully regulated under the Upstate Michigan order, but a substantially greater volume of the Class I sales of this plant are made in the proposed Central Michigan area. Handlers regulated under the South Bend-LaPorte-Elkhart, Indiana, order compete for sales in Berrien County with the Berrien County Cooperative, which also has sales in Kalamazoo.

Substantial volumes of milk inspected for the area are manufactured into dairy products sold outside the State of Michigan, when not needed for fluid distribution.

The handling of milk in the additional area proposed for regulation is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or milk products.

(c) *Specific area to be included.* The specific area to be included in the expanded marketing area, to be redesignated the Southern Michigan marketing area, should include the counties of Barry, Bay, Calhoun, Clinton, Eaton, Genesee, Gratiot, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Livingston, Macomb, Mecosta, Midland, Montcalm, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne; the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain in Allegan County; the townships of Lincoln and Standish in Arenac County; the townships of Grant and Surrey in Clare County; the townships of Ash and Berlin in Monroe County; and the townships of Wright, Tallmadge, Georgetown and Jamestown in Ottawa County; all in the State of Michigan.

The area thus defined would include (1) the present Detroit marketing area, (2) the "Central Michigan" marketing area proposed by the six cooperatives, (3) all territory intervening between the present marketing area and the proposed Central Michigan marketing area, and (4) two townships each in Arenac and Clare Counties. The extent is almost 19,000 square miles and the population is in excess of 6.25 million people. This represents the principal area within which dealers serving Detroit, Ann Arbor, Pontiac, Port Huron, Flint, the Saginaw Valley area, Lansing, Jackson, Battle Creek, Kalamazoo and Grand Rapids compete with each other and with local plants serving the intervening smaller communities of the area.

All milk sold for fluid consumption in Michigan must meet the farm and plant inspection standards of the Michigan Milk Law, Act No. 169, P.A. 1929. Any milk sold under a Grade A label must also meet inspection standards of the State Grade A milk law, Act No. 216, P.A. 1956. While local county and municipal governments may and do adopt local milk ordinances these cannot be in conflict with the state laws. From 85 to 90 percent of the milk distributed in the proposed Central Michigan area is sold under the Grade A label. While Detroit dealers have not begun use of the Grade A label to this extent, the Detroit ordinance has recently been amended to incorporate the farm and plant inspection standards of the State Grade A law and 96.5 percent of the Detroit farm supply had qualified under Grade A standards at the date of the hearing, so that practically the entire Detroit supply could be distributed under a Grade A label.

Milk from the Valley pool is now supplied to the only handler whose plant is located in Clare. This dealer has distribution in Midland, and also receives milk in paper packages from the Dairyland Cooperative plant at Carson City. Under these circumstances it is appropriate that two townships in Clare County surrounding the City of Clare be included in the area. Inclusion of two townships (Lincoln and Standish) in Arenac County is appropriate to include the City of Standish located near the Bay County line and the City of Pinconning in Bay County. It is estimated that two Saginaw dealers and the Carson City plant distribute 85 percent of the milk in this area.

The marketing area should not be extended at this time to include the four townships in Monroe County not now in either the Toledo or Detroit marketing area. There appears to be no significant distribution of milk not subject to price regulation in these townships.

The proposal to include the portion of Lenawee County not now in the Toledo marketing area should likewise be denied. There is little if any unpriced milk sold in Lenawee County. The principal basis upon which its inclusion in the Detroit area was urged was to eliminate the producer location adjustment applicable at a Detroit pool plant. Retention of location adjustments at other supply plants was a factor in limiting the area included in other proposals. As indicated elsewhere in this decision, consideration must be given to location adjustments within the boundaries of a marketing area as extensive as Southern Michigan. The provisions recommended with respect to location adjustments lessen need for consideration of including Lenawee County in the marketing area and likewise permit inclusion of certain other areas in which Detroit supply plants are located.

Sales in Hillsdale and Branch Counties by handlers to be regulated are not sufficiently substantial to require their inclusion in the marketing area at this time. In addition to that of Toledo handlers there is distribution in these counties by some Indiana dealers. While there was a specific proposal for inclusion of two townships in Branch County, no evidence was offered to distinguish marketing conditions in the two townships from the remainder of the county.

The three southwest Michigan counties of Berrien, Cass and Van Buren should not be included. One plant located in Berrien County will be regulated by virtue of sales in and near Kalamazoo. This plant is operated by the Berrien County Milk Producers Cooperative, a proponent of regulation in the Central Michigan area. The principal distribution of this cooperative in Berrien, Cass and Van Buren Counties is, however, from another plant. There is substantial competition in this area from milk priced under the South Bend-LaPorte-Elkhart and Chicago orders. A bottling plant located at Niles in Berrien County is regulated under the South Bend-LaPorte-Elkhart

order. While Kalamazoo dealers sell some milk in these counties, the volume represents a minor proportion of the total sales.

Neither should Newaygo County be included. A local dealer in this area with ten producers competes with both Muskegon and Grand Rapids dealers. His procurement practices were not shown to be a demoralizing factor. Likewise no need was shown for extending regulation to Iosco County or to the remaining portions of Arenac and Clare Counties.

II. Order Provisions.

(a) *The scope of regulation*—(1) *Milk to be regulated.* With relatively minor modifications the provisions of the present Detroit order defining producers whose milk is to be priced and pooled and pool plants subject to full regulation of the order are appropriate for the expanded area.

A "producer" is now defined as any dairy farmer whose milk is received at a pool plant or is diverted from a pool plant to a nonpool plant for the account of a handler. For the expanded area it is desirable that in addition the term "producer" should be restricted to those dairy farmers producing milk in conformity with the sanitation requirements for fluid milk of any duly constituted health authority. This will prevent pooling uninspected milk receipts of dual plant operations which are not so segregated physically and in accounting practices as to enable them to be treated as separate operations.

Distributing plants with route distribution of Class I milk in the marketing area are presently regulated as pool plants (1) if located in the marketing area or if they have daily average distribution on routes entering the area of 600 pounds or more, and (2) if specified percentages (55 in October through March, 45 in other months) of receipts from producers and supply plants are disposed of on routes either within or without the marketing area. The 45 percent requirement does not apply to plants which qualified each month of the preceding October-March period.

Provisions should also be made to qualify as pool plants standby plants operated by cooperative associations as adjuncts of their function of supplying direct-shipped milk to the outstate markets. Such plants are presently operated at Saginaw and Grand Rapids by the Michigan Milk Producers Association. The proponents of the separate order for the Central Michigan area proposed to afford such plants pool status on the basis of performance of the cooperative in supplying member milk direct to the pool plants of other handlers. Under the Southern Michigan order these particular plants may be pooled as supply plants under the aggregate performance or "system" provisions to be retained in the order. Provision should be included, however, to afford pool status to plants of other cooperative associations rendering similar services under similar circumstances. To qualify such a plant the cooperative association that operates it must deliver at least two-thirds of the milk of its members to pool plants of other handlers. While the present need for any such operation is in connection with supplies of the principal outstate cities, the provision is not so limited.

The Kalamazoo Creamery Company operates a dual plant operation at Kalamazoo, Michigan, which has historically served as a surplus disposal outlet for the western portion of the enlarged marketing area in addition to selling fluid milk on routes. Substantial volumes of milk are diverted to the manufacturing facilities of this plant by cooperative associations, particularly the Kalamazoo Milk Producers Cooperative, which operates no plant of its own. In order that the orderly marketing of milk in portions of the area may not be interrupted it is provided that the receipts to which the required percentages of route distribution apply in the case of a distributing plant shall not include receipts which a cooperative association that operates no milk plant identifies as diverted from other pool plants for manufacturing use if the total volume of such certification does not exceed one-third of the cooperative association's milk supply. Unless this is provided the regular receipts for fluid use of plants providing the services of surplus disposal for cooperatives operating no plant might not be pooled but the diverted milk could retain pool status. The volume limitations provided are identical with those for standby plants operated by cooperative associations.

The Detroit order provides that a nonpool handler with route distribution in the marketing area pay the difference between the Class I and Class II prices on his in-area sales or any amount by which such handler has failed to pay his dairy farmers the use value of all milk at order prices, whichever is less. Expense of administration is assessed on the volume of his in-area sales. Obviously, comparison of the classified use value of all such a handler's receipts with respect to the payments made to dairy farmers involves fully as much verification of receipts and utilization by the market administrator as is required at a fully regulated pool plant. The nonpool handler should, therefore, be subject to the same administrative assessment if he is to receive the benefit of this comparison.

Should such a handler choose to forego this comparison and pay at the difference between class prices on his in-area sales, the verification required is reduced materially and it is appropriate that the expense of administration apply only to the volume of in-area sales. Accordingly, it is provided that the handler may elect this option at the time of filing his report.

Conditions for qualification of supply plants for pool status should be retained as presently provided except that the required health authority plant approvals should be broadened from those of Detroit, Ann Arbor, Pontiac, Port Huron, and Wayne County to that of any appropriate health authority of the marketing area. It is to be expected most supply plants will continue to qualify on shipments to the Detroit area, but provision should be made to price and pool those plants that may make the required shipments to distributing plants in other parts of the area.

The definition of "handler" should be modified to include a cooperative association with respect to milk of its producer members which is delivered to a pool plant of another handler in a tank truck owned, operated by, or under contract to the cooperative association for the account of the cooperative association.

The transportation of milk from farm to market in insulated tank trucks owned, operated by, or under contract to, a cooperative association creates a problem with respect to the determination of the responsibiilty to the individual producer in the expanded area, if the cooperative association is not made a handler for such milk. This problem would be particularly acute with respect to the Battle Creek and Kalamazoo markets. In the case of the Battle Creek market, all the producers delivering to the Battle Creek handlers are bulk tank shippers and the transportation from farm to plant is controlled by Michigan Milk Producers Association. The handlers have no knowledge of the identity of the individual producers from whom they receive milk, nor of the weights and tests of milk of individual shippers. The cooperative association maintains such information for its member shippers, but the handlers know only the volume and test of the truckload. The handlers pay the cooperative association on the basis of use. The Kalamazoo market operates in a similar manner. This situation prevails not only in these districts but has been a market custom in other portions of the enlarged marketing area.

When a cooperative association is in control of the transportation, it is more appropriate to permit the cooperative association to qualify as a handler under the order and to report milk so handled. In such case the cooperative association will report to the market administrator the producers, the quantity of milk so handled and the aggregate disposition of the milk. Accounting for the disposition of the milk will be handled in the same manner as presently provided for transfers of bulk milk from a cooperative association plant to the pool plant of another handler. Classification is established on the basis of utilization as producer milk in the receiving plant, and settlement is made to the cooperative association at the base milk price. The cooperative association will be required to make monthly reports and make payments to the administrative fund with respect to such milk.

It was proposed that a producer-handler be pooled if his average daily production exceeded 1,075 pounds per day. It appears, however, that the principal objective sought to be achieved by the volume limitation is provided for by the requirement that a producer-handler utilizes only his own production or milk received from pool plants. Milk transferred from pool plants to a producer-handler is classified as Class I. It follows that any supplemental milk will have to be pooled and will not represent a non-

regulated source of supply to the producer-handler. Therefore, it is concluded that there should not be any change in the present producer-handler definition.

"Fluid milk product" is defined in the order because frequent references are made to this group of products. The products specified in the fluid milk product definition are for milk, skim milk, flavored milk, buttermilk, half and half and cream (exclusive of frozen, whipped (commonly referred to as "aerated") and sour cream).

The term "other source milk" should be defined as all the skim milk and butterfat contained in fluid milk products received by a handler at his pool plant except producer milk and receipts from other pool plants. This definition would also include milk products, other than a fluid milk product, from any source (including those produced at the pool plant) which are reprocessed or converted into another product in the plant during the month. Products neither converted nor reprocessed will not be subject to the allocation and pricing provision of the order because they will in no way affect the allocation or pricing of producer milk in the plant. Products reprocessed or converted should be treated as other source milk regardless of whether received from outside sources or produced in a pool plant. This definition of other source milk will insure uniformity among all handlers under the allocation and pricing provisions of the attached order.

(b) *The classification and allocation of milk.* With certain modifications discussed hereafter in detail the classification, transfer and allocation provisions of Order No. 24 are appropriate for the expanded marketing area.

The state laws cited previously result in substantial uniformity throughout the area in the products which are required to be from inspected milk. The fluid milk products defined represent the substantial volume of such products. The sole controversy with respect to any such products was related to fluid cream, which is presently classified as Class II utilization in the Detroit order. The revised Detroit health ordinance requires that sweet cream be from inspected sources. Sweet cream distributed in fluid form in the outstate markets is from inspected sources. There is evidence, however, that whipped (aerated) and sour cream are widely distributed without being from locally inspected sources.

In view of the requirement that fluid sweet cream disposed of for consumption as such be from inspected milk, the extra cost of producing such milk should be reflected in the cost of cream as a Class I product. Since Class I and II butterfat differentials of the order are identical the additional cost is largely a skim milk cost.

In view of the widespread distribution of whipped cream and sour cream through channels outside of the normal fluid milk trade these cream products are classified as Class II utilization. It is not provided that distribution of bulk cream alone will subject a plant to regulation.

The extent to which cream in bulk form is moved for manufacturing purposes requires different rules of classification of cream transferred to nonpool plants from those now effective with respect to movements of milk and skim milk. There are currently no transfer rules with respect to cream, since any disposition is Class II utilization.

Bulk cream transfererd to a nonpool plant should be Class I unless the handler claims Class II utilization and (1) such nonpool plant is located in Pennsylvania, New Jersey, New York or one of the New England states, or (2) the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant and the plant has at least an equivalent amount of skim milk and butterfat in Class II utilization. Retention of Class II classification of cream shipments to plants in these eastern states will allow handlers who have established cream accounts to remain competitive in these markets. With the single exception of New York City for which no Michigan cream meets inspection requirements, fluid cream is priced in a class comparable to the Southern Michigan Class II under all Federal orders in these states. There is, therefore, no need for the market administrator to verify manufacturing use of cream shipped to this area. Cream moved to a nonpool plant other than those located in the above mentioned states is moved primarily for surplus disposal into manufactured products. If the nonpool plant had at least an equivalent amount of Class II utilization to cover the shipment of cream and the market administrator could verify it, the cream so transferred would be Class II. The majority of the cream transferred to nonpool plants will be for manufacturing purposes, therefore, it is not appropriate to apply the same transfer provisions to cream as are applied to milk and skim milk.

Inventories of fluid milk products on hand at the end of the month should be classified as Class II.

Handlers have inventories of milk and milk products on hand at the beginning and end of each month which should enter into the accounting for current receipts and utilization. It is appropriate that the ending inventory of fluid milk products be classified as Class II. This manner of classifying inventory, with correlated steps in the allocation procedure, provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products, whether in bulk or packaged form, should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity in the application of the pricing provisions and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of pool milk (except Class II shrinkage) are less than Class I sales. In such case, the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Any opening inventory of fluid milk products subtracted from Class I in excess of the volume of producer milk classified as Class II in the preceding month should be subject to a reclassification charge, if such milk was not classified and priced under another order issued pursuant to the Act.

It was proposed that packaged Class I milk classified and priced under another Federal order be allocated to Class I in the proposed Central Michigan order. A handler proposed this provision to accommodate integrated operations of plants which would have been regulated under both the Central Michigan and Detroit orders. In view of the findings that one order should regulate the Southern Michigan area there is no need for such an allocation provision. It is therefore denied.

(c) *Determination and level of class prices*—(1) *Class I price.* The basic formula price and the Class I price differentials of Order No. 24 should continue to be used under the order for the enlarged area, subject to the supply-demand and location adjustments discussed hereafter. Class I differentials of $1.23 for the months of February through July, and of $1.63 for other months, are now added to a basic formula price which is the highest of the average paying price of 12 midwest condenseries, a butter-powder formula price and the paying price of the Michigan plants that determine the price for Class II milk.

A proposal to include as an alternative basic formula price a formula price based on market values of cheese and butter should not be adopted. Use of this basic formula price was advocated on the basis that it was included in the pricing mechanism of the order for the nearby Toledo market. Official notice is taken that by amendment of the Toledo order since the date of the hearing the cheese-butter formula is no longer used in that order. It is also concluded that the paying prices of the Michigan plants listed in the order should be used rather than the paying prices of a slightly different list of plants proposed for the Central Michigan order. No significant differences in the level of prices paid by the two groups of plants was shown.

There was no proposal to change the Class I differentials of the order. Instead the Detroit differentials were proposed for the Central Michigan order. The annual average differential of $1.43 is in reasonable alignment with those of the Chicago (90 cents) and Cleveland ($1.65) orders, considering the distances between the markets and costs of transporting milk such distances. The annual average ($1.45) of the Class I differential of the nearby Toledo market

is now in close alignment with this differential. Toledo handlers sell considerable milk in competition with dealers now regulated and to be regulated, some of which is sold in the Southern Michigan marketing area.

Subject to certain interim provisions necessary to incorporate in an orderly manner the substantial sales and receipts of the additional territory added, the Class I price should be adjusted on the basis of the supply-sales relationship in the most recent two-month period. The Class I price should be increased when the most recent two-month period data indicate that the annual average level of supply is less than 136.7 percent of Class I utilization. This is the average of the monthly normal percentages presently incorporated in the order. Likewise it should be decreased when indicated supplies exceed the 136.7 percent figure. Instead of stated seasonal norms seasonal experience of a recent period should determine the seasonally adjusted normal percentages with which utilization in the current two-month period is compared. The maximum range of adjustment should be 45 cents, as presently provided in the Detroit order.

As indicated elsewhere in this decision milk supplies in the Detroit market have increased substantially in recent years, both in total and in relation to Class I utilization. Since April 1956 negotiated "superpool" prices have been in effect in the market. As a consequence the supply-sales relationship presently prevailing cannot be used as a basis for judging effects of the level of Class I prices established under the order. Such prices have not been the effective prices of the market. It is impossible to estimate what supply conditions at any given time might be had order prices been effective. Since such supply conditions in turn determine the amount of supply-demand adjustment, the order prices that would have prevailed under such circumstances likewise cannot be determined.

It is concluded that the normal supply level at which no adjustment would occur should remain the 136.7 annual average. While at the present Class I utilization in the outstate territory added is substantially less than that of the present order pool, data available with respect to earlier periods indicates that when annual supplies in the Detroit pool approximated the established "normal" percentage, supply conditions in the outstate area were substantially the same as those in Detroit. It is within the past two to three years that considerable divergence in utilization has developed, principally by increase in Detroit supplies but also by substantial decrease in the relation of outstate market supplies to sales. It is evident that the normal supply sales relationship for the expanded market will be accurately reflected by the present annual norm (which was computed before the supply transfers of the last few years took place). These circumstances justify the conclusion that the annual average level of supply considered normal under the present order is likewise appropriate under the order for the expanded area.

As soon as sufficient experience under the expanded order provides necessary data the "two-month" normal percentages used to reflect the necessary seasonal variation from the 136.7 percent annual average should be determined from recent experience. Changes in the seasonal pattern of utilization are taking place in the market as producer numbers decline but production per farm increases much more rapidly. Changes in the seasonal pattern of utilization have not been as great in this as in some other areas but are of significance. When viewed on a calendar year basis the constantly increasing ratio of supplies to sales that has occurred since 1956 exaggerates the extent to which changes in seasonality have occurred. These seasonal changes have likewise had the effect of decreasing the relative ratio of supplies to sales in early months of the year as compared to fall and early winter months, but to a lesser degree than the calendar year comparison would indicate.

In order that supply-demand adjustment of the Class I price for the order for the expanded area may reflect as soon as possible recent seasonal patterns of utilization of the milk to be priced, provision should be made to use this experience as soon as practicable without introducing substantial random variation or errors due to non-seasonal trends of supplies or sales. To do this the utilization percentages (ratio of supplies to sales) in the immediately preceding two-month period and of the same periods one and two years earlier should be averaged and compared to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2d preceding month. This will thus provide a comparison of the average two-month utilization at approximately the beginning, center, and end of a two-year period with that of the two-year period. The relationship thus established would be applied to the annual average of 136.7 to establish the "norm" for comparison with actual utilization in the most recent two-month period.

Under the provisions described, a period of twenty-six months must ensue before all required data based upon experience under the expanded order are available. Such a period is too long to defer all provisions for supply-demand adjustment of the Class I price. In view of the period for which superpool prices have negated the effects of the present provisions some period for which no adjustment is provided is appropriate to afford a possibility that adjustment may be based on results of the order pricing to which it is to be applied. It is provided that for the first six months the adjustment shall be inoperative. For the additional eight-month period for which a full year's receipts and sales of the enlarged market area cannot be compared with utilization in more than one two-month period the rate of adjustment should be modified from the rate of three cents per percentage point of deviation to one-cent for the 7th through the 10th month and two cents for the 11th through the 14th month. Normal percentages averaging 136.7 percent are stated in the order for use during this period. These reflect recent seasonal experience of the Detroit market with some modification for the seasonal pattern of utilization in the outstate markets for which data are available. For the period from the 15th through the 26th month the three-cent rate is applicable but it is provided that the stated norms shall be averaged with seasonal experience developed under the order for the most recent 14 months.

(2) *Location adjustments.* The Class I price should be adjusted for the location of the plant at which milk is received from producers. Adjustments are provided in the present Detroit order, for Class I milk received at plants outside the marketing area and more than 34 miles from the Detroit City Hall (or in certain instances the boundary of the marketing area). The rate of such adjustments is 14 cents per hundredweight for the 34–50 mile zone, 15 cents for the 50–70 mile zone and one-cent additional for each 20 miles or fraction thereof over 70 miles.

Proponents of enlarging the Detroit order and of the Central Michigan order proposed that no location adjustments apply within the respective marketing areas. Accordingly, the Michigan Milk Producers Association's proposal to enlarge the marketing area omitted certain areas in which Detroit supply plants are presently located. Price relationships between plants located near each other and regulated under the same or companion orders cannot be ignored regardless of marketing area boundaries. Accordingly, the marketing area described elsewhere in this decision was determined on the basis of factors other than location of present Detroit supply plants. Of 20 such plants 16 are located in that area. Three others are located near the area boundary.

Price relationships between the various portions of this extensive area from which both Detroit and the outstate cities draw their supplies present an extremely complex problem. At a number of outstate points Class I prices at the full f.o.b. Detroit level (including "superpool" prices) have been negotiated although in many such cases not applicable to comparable classification. The same producers' organization that has negotiated these outstate prices is responsible for movements of the majority of milk from supply plants to Detroit plants.

It is obvious that differences as great as the present initial location adjustment of 14 cents are not appropriate between bottling plants within short distances of each other. Prices 15–20 cents less than the Detroit price are appropriate at plants in western Michigan, where procurement and sales competition with Chicago, South Bend-LaPorte-Elkhart and Muskegon dealers justifies a lower price level. The Muskegon Class I differentials average $1.25 or 18 cents less than that provided at Detroit.

In the attached order the marketing area and adjoining or nearby Michigan counties to the south and west are divided into six zones. The first zone, for which no adjustment is provided, is essentially the present Detroit marketing

area, but also includes seven additional townships in Macomb, Oakland, and St. Clair Counties and that portion of Monroe County not in the marketing area, but most of which is in the Toledo marketing area. For the heavily populated area extending through Flint to Bay City, Zones II and III provide Class I prices three cents and six cents, respectively, less than the Zone I price. Zone III also includes the areas immediately to the west of Zone I in which population is less concentrated but distances to Detroit and Toledo are less than from Saginaw and Bay City. The remaining three zones provide for deductions of 10, 15, and 20 cents, respectively. Mecosta County is the only part of the marketing area included in the 20-cent zone, which is largely made up of the area extending westward to Lake Michigan from the marketing area boundary. For plants located outside of this zoned area and more than 50 miles from the Detroit City Hall present rates of adjustment apply.

The differences provided by these zone rates are appropriate to recognize distances from Detroit, concentrations of population and the extent to which nearby production exceeds local demand. It is concluded that they should be applicable to the price of Class I milk and to payments to producers for base milk or at the uniform price. A more equitable pattern of producer pricing will result if no location adjustments apply to the excess milk price. The excess milk price has been 17 cents above the Class II price but subject to location differential. It is provided herein that the excess milk price shall be the Class II price without location differentials.

The location adjustments provided by this zoning system are somewhat less than those applicable under present mileage rates at Detroit supply plants. The record indicates that in many areas producers can increase their net returns by bulk deliveries direct to Detroit plants. Cost of delivery from the farm to supply plant combined with the location adjustment, exceeds the direct haul from farm to Detroit. As a consequence a number of Detroit supply plants have closed in recent years. It was proposed that the producer adjustment be reduced six cents per hundredweight at all supply plants, without change in the handler adjustment. The average rate of adjustment provided herein at present Detroit supply plants is less than the present rate by approximately half the change proposed in the producer adjustment and applies also to the handler cost of Class I milk.

The Detroit order presently provides that with respect to movements from supply plants to distributing plants applicable location adjustments are credited to the transferee handler rather than the handler receiving the milk from producers. Administrative convenience and the custom of the market make it desirable that this practice be continued.

(3) *The Class II milk price.* The provisions for pricing Class II milk should not be changed.

The Class II milk price, since September 1956, has been the higher of the average paying prices of certain Michigan milk manufacturing plants or a butter-powder formula price less 18.3 cents for the months of February through September. For the four months of October through January, twenty cents per hundredweight is added to this price.

The proponents of the Central Michigan order proposed that the Class II price be the same as the Detroit Class II price, except for a slightly different list of manufacturing plants and elimination of the 20 cents in the months of October through January. The Michigan Producers Dairy Company proposed that a credit of 20 cents per pound on skim milk and one-half cent per pound of butterfat on all the skim milk and butterfat used to produce nonfat dry milk and butter during the months of October through January. Certain handlers proposed the deletion of the 20 cents during the months of October through January.

The posted paying prices of the Michigan plants have been the effective Class II price making factor each month since September 1956. While the plants included in this list are representative of manufacturing operations in the lower peninsula of Michigan, the posted paying prices used are not representative of the actual prices paid for manufacturing milk. Manufacturing plants in this area quite generally pay premiums over posted pay prices. Testimony at the hearing would indicate that such payments equal or exceed on the annual average the 6.7 cent average effect of the 20-cent addition for 4 months.

The record contains prices reported paid by Michigan plants for milk used for evaporated milk and also for milk used in butter and creamery by-products. Official notice is hereby taken of reports of such prices published by the Department since the hearing. For 1958 the posted paying prices of the plants named in the order averaged 7.7 cents less than the prices reported paid by condenseries and 4.2 cents less than those reported paid by creameries. For the first five months of 1959 the posted plant prices averaged 7.0 cents less than the condensery prices and 5.8 cents less than the creamery prices. These comparisons are at the average tests of milk reported received by the condenseries and creameries, respectively, with the posted paying prices adjusted by the order Class II differential. Therefore, with the 20-cent addition in four of twelve months the Class II price of the order is in good alignment with prices paid in the area for manufacturing milk.

For 1958 the Detroit Class II price averaged $3.015 as compared with a Class III price of $3.01 under the Cleveland order. This class does not include cottage cheese, one of the higher valued products to be retained in Class II under the Southern Michigan order.

In view of the above facts the Class II price as now determined in the Detroit order is an appropriate value for milk used in manufacture of dairy products and should be used to determine the Class II price in the amended order.

Official notice is taken of the fact that there was further consideration of Class II pricing at a public hearing held September 10, 1959. Should action on the basis of the record of such hearing result in change in Class II pricing provisions for any period for which the amended order here proposed will be effective, official notice of such action may be taken at a later stage of the proceedings.

(d) *Distribution of returns to producers*—(1) *Type of pool.* No proposal was made to change the marketwide pool by which returns are distributed to producers under Order No. 24. The proponents of a Central Michigan order proposed marketwide pooling for that regulation. The Detroit marketing system requires marketwide pooling, likewise there is need for wider sharing of Class I utilization among producers in the expanded area than is presently provided by local pools. The sole pooling issue of the hearing was whether there should be one marketwide pool or two. Under the decision to expand the Detroit marketing area it is imperative that the marketwide pool continue.

(2) *Base rating plan.* Payment to producers should continue to be computed under the base-excess plan in all months of the year. Half or more of the producers delivering to the outstate plants to be brought under regulation are paid on base-excess plans essentially the same as that under which Detroit producer payments are computed. Such a plan was supported by producer groups for the proposed Central Michigan regulation. With the modifications described below the present base-excess plan provisions should be continued.

In view of the substantial number of new producers involved and the date at which amendments may now be effective as related to the August–December base forming period, provision must be made for orderly integration of producers currently supplying plants newly brought under regulation. It was proposed that such producers have the option of being paid at the uniform price of the order or of having bases computed on the basis of August–December deliveries certified to the market administrator. The order presently provides for this second option when a plant first becomes a pool plant. In the present instance, however, the number of plants and producers are such that the administrative detail of collecting delivery data for past periods and determining the option chosen by each producer would be quite substantial. Accordingly, it is provided that producers delivering to plants during the first month they are brought under regulation by the proposed redefinition of the marketing area shall be paid the uniform price of the order for deliveries through January 1961. By that date they will have had opportunity to establish bases by August–December 1960 deliveries. Cooperative associations desiring to continue base-excess payments to their members can of course accomplish this under their reblending privilege.

Provisions for payments to other producers without established bases and those producers who elect to relinquish

their bases should also be modified by providing that such producers shall be paid at an adjusted uniform price until they have established or reestablished a base by deliveries in the August–December period. For this purpose the uniform price would be reduced by a percentage (seasonally varied from 5 percent for August–December to 50 percent for April–June) of the difference between the uniform and excess prices computed under the order. Such provisions have proved satisfactory under the Muskegon order and simplify considerably the computations with respect to the producers involved. At the same time they provide an equitable means of paying such producers without undue encouragement for producers to relinquish established bases and thus diminish the effectiveness of the base plan in affecting seasonality of production. To avoid confusion during the initial period for which payment at the uniform price (not adjusted) is provided for producers supplying newly regulated plants, the effective dates of this change is deferred until February 1, 1961.

(3) *Payments to cooperatives.* Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or otherwise, to collect such payments. The association request should also provide for indemnifying the handler for any loss due to any improper claim.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers will receive payments on approximately the same date. In making such payments for producer milk to a cooperative association the handler should furnish the necessary data from which the cooperative association can make proper distribution of money to producers for whom it collects payments.

Unless a cooperative association can receive payment for the milk marketed on behalf of its member producers it cannot reblend the sales proceeds from milk sold in various outlets. This important function is specifically provided in the Act. The provision in the Southern Michigan order will insure continuation of payment practices now prevailing in Battle Creek, Grand Rapids, Jackson and Kalamazoo. It should not be limited, as was suggested by testimony at the hearing, by the number or percentage of producers supplying the plant that are represented by the association claiming payment.

As indicated elsewhere in this decision payment by a handler to a cooperative association for milk transferred from an association operated pool plant and for milk for which the cooperative association is a handler by virtue of operation of a bulk tank route should be made at the base milk price. The date of such payment should likewise be two days earlier than the date for payments by the handler to individual producers.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Detroit, Michigan, redesignated as the Southern Michigan marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 924.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 924.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers to perform the duties of the Secretary of Agriculture.

§ 924.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 924.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 Southern Michigan marketing area.

"Southern Michigan marketing area" hereinafter referred to as the "marketing area" means all territory, including all incorporated municipalities, within the counties of Barry, Bay, Calhoun, Clinton, Eaton, Genessee, Gratiot, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Livingston, Macomb, Mecosta, Midland, Montcalm, Oakland, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne; the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego and Gunplain in Allegan County; the townships of Lincoln and Standish in Arenac County; the townships of Grant and Surrey in Clare County; the townships of Ash and Berlin in Monroe County; and the townships of Wright, Tallmadge, Georgetown and Jamestown in Ottawa County; all in the State of Michigan.

§ 924.6 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which fluid milk products are disposed of on a route in the marketing area, (c) a cooperative association, with respect to milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to the pool plant to which it is delivered), or (d) a cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of such association.

§ 924.7 Producer.

"Producer" means any person other than a producer-handler who produces milk in conformity with the sanitation requirements for fluid milk of any duly constituted health authority, which is:

(a) Received at a pool plant; or

(b) Diverted to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler.

§ 924.8 Producer-handler.

"Producer-handler" means a dairy farmer who operates a milk plant from which fluid milk products are distributed on route(s) in the marketing area and who receives no fluid milk products except milk of his own production or by transfer from a pool plant.

§ 924.9 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received at a pool plant from producers (including that diverted to a nonpool plant for the account of the operator of such pool plant) and milk to be classified at such pool plant pursuant to § 924.43(d).

§ 924.10 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (a) receipts during the month of fluid milk products except (1) receipts from other pool plants and (2) producer milk, and (b) products, other than fluid milk products from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 924.11 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, half and half, or cream (exclusive of frozen, whipped and sour cream).

§ 924.12 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 924.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 924.13 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.14 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under laws of any state which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sale or marketing milk or its products for its members.

§ 924.15 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 924.16 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a), (b) or (c) of this section, except a plant of a producer-handler or a plant of a handler exempt pursuant to §§ 924.91 or 924.92;

(a) Any plant, hereinafter referred to as a "distributing plant"; (1) in which milk is pasteurized or packaged for distribution in the marketing area, (2) from which fluid milk products are distributed on routes in the marketing area, and (3) the total quantity of fluid milk products distributed on all routes operated inside or outside the marketing area during the month equals the applicable percentage specified below of recepits of producer milk, and from supply plants of milk approved by the appropriate health authority for fluid use, exclusive of receipts certified by a cooperative association which operates no milk plant as having been diverted from other pool plants for manufacturing use if the total volume of milk covered by all certifications issued by such association does not exceed one-third of the milk delivered to all pool distributing plants by producers who are members of such association:

(i) 55 percent during any of the months of October through March; and

(ii) 45 percent during any of the months of April through September, except that no such requirement shall apply during such months with respect to any such plant which qualified as a distributing plant during each of the immediately preceding months of October through March; or

(b) Any plant, hereinafter referred to as a "supply plant", which is approved by the appropriate health authority in the marketing area for supplying milk for fluid use and from which during the month not less than 25 percent or the call percentage as defined in § 924.17, whichever is higher, of its dairy farm supply of milk qualified for fluid distribution in the marketing area, including any receipts for which a cooperative association is the handler pursuant to § 924.6(c), less any milk disposed of from the plant as Class I other than by transfers to pool plants of other handlers, is moved to a distributing plant. Any supply plant which has met the required percentages during each of the months of October through January shall be a pool plant for each of the following months of February through September during which it ships the percentage provided for in any call which may be issued pursuant to § 924.17. All supply

plants which are operated by one handler, or all of the supply plants from which a handler is responsible for the movement of milk to distributing plants under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the milk movement requirements of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th day (exclusive of Sundays and holidays) following the month to which the notice applies. In any of the months of February through September a unit shall not contain plants which were not qualified as pool plants, either individually or as a member of a unit, during the previous October through January; or

(c) A plant which is operated by a cooperative association and during the month two-thirds or more of the milk of producers who are members of such association is delivered either directly or pursuant to § 924.6(c) to pool plants of other handlers.

§ 924.17 Call percentage.

(a) The "call percentage" is the percentage of net receipts at a supply plant (after subtracting any milk disposed of as Class I other than by transfers to other pool plants) which such plant is required to ship to a distributing plant(s) in order to qualify as a pool plant pursuant to § 924.16. A call percentage may be announced for any month except April, May, June or July and shall be issued on or before the first day of the month to which it applies. The call percentage shall be computed by the market administrator from his estimate of the Class I utilization of distributing pool plants during the month for which the call percentage is being computed, plus an operating margin of 15 percent. From such estimated gross Class I requirements of distributing plants, inclusive of the 15 percent operating reserve, shall be deducted the estimated receipts directly from producers during such month at such distributing plants and from those supply plants which regularly send their entire available supply to such distributing plants during the months of August through March. The remainder shall be divided by the estimated net available supply (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants) at supply plants other than those regularly shipping their entire supply as described above, and the result shall be multiplied by 75 to determine the call percentage. No call percentage of less than 25 shall be issued;

(b) The market administrator's announcement of a call percentage shall include the historical data on which his estimates of Class I utilization and the various sources of supply are based, together with appropriate explanatory comments on the computations involved; and

(c) At any time during a month when it appears that more milk is being delivered to distributing plants than is needed to fulfill their Class I requirements, the market administrator may reduce the call percentage applicable for such month.

MARKET ADMINISTRATOR

§ 924.20 Market administrator.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 924.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.84:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 924.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 924.30 and 924.31; or

(2) Payments pursuant to §§ 924.80 and 924.85;

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information; and

(k) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and § 924.52, and the handler butterfat differential computed pursuant to § 924.53; and

(2) On or before the 11th day of each month the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, 924.64 and 924.65, and the producer butterfat differential computed pursuant to § 924.68.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays) of each month, each handler, other than a producer-handler or a handler exempt pursuant to §§ 924.91 or 924.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk and milk to be paid for at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants;

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information as the market administrator may prescribe.

§ 924.31 Other reports.

(a) Each producer-handler and each handler described in §§ 924.91 and 924.92 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of

milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported purusant to § 924.30 shall be classified pursuant to §§ 924.41 through 924.48.

§ 924.41 Classes of utilization.

Subject to the conditions set forth in §§ 924.43 and 924.44 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) and (4) of this section; and

(2) Not accounted for as Class II utilization;

(b) Class II utilization shall be all the skim milk and butterfat: (1) Used to produce any product other than a fluid milk product, (2) disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator, (3) in cream frozen, (4) in inventory of fluid milk products on hand at the end of the month, (5) in shrinkage of producer milk up to two percent of receipts, and (6) in shrinkage of other source milk.

§ 924.42 Shrinkage.

(a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk;

(b) Producer milk transferred from a pool plant to another pool plant without first having been received for the purpose of weighing and testing in the transferor handler's pool plant, and that for which a cooperative association is the handler pursuant to § 924.6(c), shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded from receipts of the transferor handler in computing his shrinkage; and

(c) Producer milk received at a supply plant and transferred in bulk from such plant to a distributing plant shall be subtracted from the producer milk receipts at the supply plant and added to the producer milk receipts at the distributing plant in computing shrinkage.

§ 924.43 Transfers.

Skim milk and butterfat transferred or diverted from a pool plant shall be classified:

(a) As Class I if transferred to a pool plant of another handler (except as provided in paragraph (d) of this section) as a fluid milk product unless Class II utilization is indicated by both handlers in their reports pursuant to § 924.30. In no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk and beginning inventory of fluid milk products in his plant pursuant to §§ 924.46 and 924.47;

(b) As Class I if transferred or diverted to a nonpool plant in the form of milk or skim milk in bulk if so reported by the handler, or unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat at such nonpool plant shall be determined and the skim milk and butterfat so transferred from the pool plant shall be allocated to the lowest use during the months of April, May, or June and to the highest use during any other month. If all or a portion of the milk so transferred is retransferred to a second nonpool plant, the same conditions of audit, classification and allocation shall apply;

(c) As Class I if transferred to a nonpool plant in the form of cream in bulk unless the handler claims Class II utilization, and (1) such nonpool plant is located in Pennsylvania, New Jersey, New York or New England, or (2) the market administrator is permitted to audit the record of receipts and utilization at such nonpool plant and such nonpool plant had Class II utilization of not less than an equivalent amount of skim milk and butterfat;

(d) Producer milk transferred in bulk by a cooperative association to a pool plant and that delivered pursuant to § 924.6(c) shall be deducted from the producer milk to be classified as that for which the cooperative association is the handler, and shall be included in producer milk classified at the plant of the transferee handler; and

(e) As Class I if transferred in the form of a fluid milk product to a producer-handler.

§ 924.44 Responsibility of handlers and reclassification.

All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole mlik.

§ 924.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computation shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat in shrinkage pursuant to § 924.41(b)(5);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(d) Subtract from the remaining pounds of butterfat in each class, in series beginning with the lowest priced utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the pounds of butterfat remaining in each class, the

pounds of butterfat received from pool plants of other handlers (except from a cooperative association as set forth in § 924.43(d)) in such classes pursuant to § 924.43(a);

(f) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization. Any amount so subtracted shall be known as "overage".

§ 924.47 Allocation of skim milk classified.

Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

§ 924.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 924.46 and 924.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 924.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) or (c) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2; or

(c) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants, except any which meet the qualification of § 924.16, for which prices have been reported to the market administrator:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sheridan, Mich.
Carnation Co., Sparta, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Kraft Foods, Clare, Mich.
Kraft Foods, Pinconning, Mich.
Nestle Co., Ubly, Mich.

§ 924.51 Class I milk price.

(a) Subject to the adjustments provided in paragraph (b) or (c) of this section and §§ 924.53 and 924.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization, shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months;

(b) Subject to the conditions in paragraph (c) of this section a supply-demand adjustment shall be computed by the market administrator as follows:

(1) Calculate as a utilization percentage the percentage that total receipts of milk from producers by all handlers was of total Class I utilization at all pool plants in each of the following periods:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the preceding month and the same period of each of the two preceding years;

(2) Average the utilization percentages of the three two-month periods, divide by the utilization percentage of the two-year period, and multiply by 136.7;

(3) Subtract from the utilization percentage for the two-month period ending with the preceding month the quantity computed pursuant to subparagraph (2) of this paragraph and round the result to the nearest full percentage, this result is the "deviation percentage"; and

(4) For each percentage point of plus deviation the Class I price will be decreased three cents and for each percentage point of minus deviation the Class I price will be increased three cents, but no such adjustment shall exceed 45 cents; and

(c) For the 26-month period following the effective date of this paragraph and the simultaneous amendment of § 924.5 to redefine and redesignate the marketing area, the following modifications of the procedure set forth in paragraph (b) of this section will apply:

(1) For the first six months, the supply-demand adjustment shall be zero;

(2) For the 7th month through the 10th month, inclusive, the rate specified in paragraph (b)(4) of this section shall be one cent;

(3) For the 11th month through the 14th month, inclusive, the rate specified in paragraph (b)(4) of this section shall be two cents;

(4) For the 7th month through the 14th month, inclusive, the percentages for the corresponding two-month period in the following schedule shall be substituted for the calculations pursuant to paragraph (b) (1) and (2) of this section:

Pricing month	Two-month period	Percentage
January	November-December	130.2
February	December-January	132.0
March	January-February	130.8
April	February-March	131.7
May	March-April	135.7
June	April-May	141.9
July	May-June	151.7
August	June-July	150.2
September	July-August	140.1
October	August-September	136.4
November	September-October	132.6
December	October-November	128.9

(5) For the 14th month through the 26th month, inclusive, the utilization percentages calculated pursuant to paragraph (b)(1) of this section shall be for the one-year period ending with the second preceding month, for the two-month period ending with the preceding month, and for the same period of the preceding year. The average of these two-month period percentages will be divided by the percentage for the one-year period, multiplied by 136.7 and this result averaged with the percentage specified in subparagraph (4) of this paragraph. This result will be subtracted from the utilization percentage for the two-month period ending with the preceding month in computing the deviation percentage.

§ 924.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of:

(1) The price described in § 924.50 (c); or

(2) The price per hundredweight described in § 924.50(b), less 18.3 cents; and

(b) In the months of October, November, December and January, add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

§ 924.53 Handler butterfat differential.

There shall be added to or subtracted from, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one per-

cent that the average butterfat test of the milk in each class above or below 3.5 percent, as the case may be, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U.S.D.A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 924.54 Location adjustments to handlers.

(a) *Zone rates.* For plants located in the following described territory in Michigan the applicable zone rates shall be as follows:

Zone I—No adjustment

In Macomb County the townships of Shelby, Macomb, Chesterfield, Sterling, Clinton, Harrison, Warren, Erin and Lake; Monroe County; in Oakland County the townships of Highland, White Lake, Waterford, Pontiac, Avon, Milford, Commerce, West Bloomfield, Bloomfield, Troy, Lyon, Novi, Farmington, Southfield and Royal Oak; in St. Clair County the townships of Burtchville, Grant, Greenwood, Kenochee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, Columbus, St. Clair, Casco, China, East China, Ira, Cottrellville and Clay; Wayne County; and in Washtenaw County the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York and Augusta.

Zone II—Adjustment rate 3 cents

Genesee County; in Macomb, Oakland and St. Clair Counties all territory not included in Zone I.

Zone III—Adjustment rate 6 cents

Bay County, except the townships of Fraser, Garfield, Mount Forest, Pinconning and Gibson; in Lenawee County the townships of Franklin, Clinton, Tecumseh, Macon, Adrian, Raisin, Ridgeway, Madison, Palmyra, Blissfield, Deerfield, Fairfield, Ogden and Riga; Livingston County; Saginaw County, except the townships of Jonesfield, Richland, Lakefield, Freemont, Marion, Brant, Chapin, Brady, Chesaning and Maple Grove.

Zone IV—Adjustment rate 10 cents

In Arenac County the townships of Lincoln and Standish; in Bay County the townships of Fraser, Garfield, Mount Forest, Pinconning and Gibson; in Clinton County the townships of Bengal, Bingham, Ovid, Riley, Olive, Victor, Watertown, De Witt and Bath; in Eaton County the townships of Delta, Windsor, Eaton Rapids, and Hamlin; Hillsdale County, except the townships of Litchfield, Allen, Reading and Camden; Ingham County; Jackson County; Lapeer County; in Lenawee County all territory not included in Zone III; Midland County; in Saginaw County the townships of Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove; Shiawassee County and Tuscola County.

Zone V—Adjustment rate 15 cents

The following territory in Michigan:

In Allegan County the townships of Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego and Gunplain; Barry County; Branch County; Calhoun County; in Clare County the townships of Grant and Surrey; in Clinton County all territory not included in Zone IV; Gratiot County; in Hillsdale County the townships of Litchfield, Allen, Reading and Camden; Huron County; Ionia County; Isabella County; Kalamazoo County; Kent County; Montcalm County; in Ottawa County the townships of Wright, Tallmadge, Georgetown and Jamestown; Sanilac County and St. Joseph County.

Zone VI—Adjustment rate 20 cents

In Allegan County all territory not included in Zone V; Berrien County; Cass County; Mecosta County; Muskegon County; Newaygo County; in Ottawa County all territory not included in Zone V; and Van Buren County.

(b) *Mileage rates.* The mileage rate applicable to plants located outside of Zones I–VI, inclusive, as described in § 924.54(a), shall be based on the shortest highway distance to the plant from the City Hall in Detroit, Michigan, as determined by the market administrator, and shall be 15 cents for distances of more than 50 miles, but not more than 70 miles, plus one-cent for each 20 miles or fraction thereof over 70 miles.

(c) *Direct disposition adjustment.* With respect to milk received from producers at a pool plant and classified as Class I utilization without movement to another pool plant the Class I price to the handler receiving such milk shall be reduced by the applicable zone rate for plants located in the zones described in § 924.54(a) and by the applicable mileage rate for plants located elsewhere.

(d) *Transfer adjustments.* With respect to fluid milk products moved in bulk from a pool plant to a pool plant described in § 924.16(a) the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location(s) of the transferor plant(s), the total volume on which such credit is computed to be not more than the amount by which 108 percent of Class I utilization at the transferee plant exceeds receipts of milk at such plant from producers and from cooperative associations pursuant to § 924.6(c), and to be assigned to transferor plants pro rata to receipts of fluid milk products from such plants.

§ 924.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 Net obligation to handlers operating pool plants.

The net obligation for milk received by each handler who operates a pool plant shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 924.48 by the applicable class prices;

(b) Add an amount determined by multiplying the pounds of overage computed pursuant to § 924.46(g) and the corresponding step of § 924.47 by the applicable class prices;

(c) Add any amount obtained through multiplying by the difference between the Class II price for the preceding months and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 924.46(d) and the corresponding step of § 924.47; or

(2) The hundredweight of producer milk classified as Class II (except as shrinkage) for the preceding month; and

(d) Add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class II price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 924.46(b) and the corresponding step of § 924.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 924.46(d) and the corresponding step of § 924.47 which is in excess of the sum of:

(i) The quantity of milk for which a payment was computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class II in the preceding month pursuant to § 924.46(c) and the corresponding step of § 924.47.

§ 924.61 Computation of the 3.5 percent value of all producer milk.

For each month, the market administrator shall compute the 3.5 percent value of all producer milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 924.60;

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.68 multiplied by 10;

(c) Adding the aggregate of the values of the applicable producer location adjustments pursuant to § 924.67; and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 Uniform price.

For each month, the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 924.61; and

(b) Subtracting not less than six cents or more than seven cents.

§ 924.63 Adjusted uniform price.

For the purpose of payments pursuant to § 924.70(c) the uniform price computed pursuant to § 924.62 shall be adjusted by deducting therefrom the applicable percentage specified below of the differences between the uniform price and the excess milk price, rounded to the nearest cent:

Month	*Percent*
January, February and March	30
April, May and June	50
July	15
All others	5

§ 924.64 Excess milk price.

For each month, the excess price shall be the price of Class II utilization, determined pursuant to § 924.52, rounded to the nearest cent.

§ 924.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (d) and (f) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 924.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b) and (c) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(e) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b) and (e); and

(f) Subtract not less than six cents nor more than seven cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at pool plants.

§ 924.66 Handler operating a plant which is not a pool plant.

Each handler, other than a producer-handler or one exempt pursuant to §§ 924.91 and 924.92, who during the month operates a nonpool plant from which fluid milk products are disposed of on a route in the marketing area, shall in lieu of the payment required pursuant to § 924.80 through § 924.83, pay to the market administrator as follows:

(a) If such handler so elects at the time of reporting pursuant to § 924.30 his obligation shall be as follows:

(1) On or before the 13th day after the end of the month, for the producer-equalization fund, an amount equal to the difference between the value of Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, the rate specified in § 924.84 with respect to the fluid milk products disposed of on routes in the marketing area;

(b) Unless such handler elects to have his obligations computed pursuant to paragraph (a) of this section, his obligation shall be as follows:

(1) On or before the 25th day after the end of the month, for the producer-equalization fund, the lesser of the amount computed pursuant to paragraph (a) (1) of this section, or any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 924.60 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the gross payments made by the handler to qualified dairy farmers for milk received at such plant for such month. Gross payments to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report required pursuant to § 924.31, plus the value of any supplies or services furnished by the handler on prior written authorization or as evidenced by a delivery ticket signed by the dairy farmer; and

(2) On or before the 25th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 924.84 had such plant been a pool plant.

§ 924.67 Location adjustment to producers.

In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to base milk and milk to be paid for at the uniform price or adjusted uniform price the zone rate per hundredweight applicable pursuant to § 924.54(a) for the location of the plant at which the milk was received, or if such plant is not located in a defined zone, the mileage rate applicable pursuant to § 924.54(b).

§ 924.68 Producer butterfat differential.

In making payments pursuant to § 924.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of one percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U.S.D.A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

§ 924.69 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.82, 924.84, 924.85 and 924.86.

BASE RULES

§ 924.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 924.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d), (e), (f) and (g) of this section a producer who has no base shall be paid until February 1 following the August-December period within which he establishes a base pursuant to paragraph (a) of this section at the adjusted uniform price computed pursuant to § 924.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered;

(e) When a plant first becomes a pool plant pursuant to § 924.16(a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August-December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator; and

(f) Notwithstanding the provisions of paragraph (e) of this section producers without an established base who are delivering milk to plants during the month that such plants first become pool plants as a result of redefinition of the marketing area effective at the same date as this paragraph shall be paid until February 1, 1961, at the uniform price computed pursuant to § 924.62; and

(g) Through January 1961 a producer who has no base (or who relinquishes his base pursuant to § 924.72) shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August and September by 0.8 and October, November and December by 0.9, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

§ 924.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base pe-

riod, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 70 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under state or Federal authority.

§ 924.72 Relinquishing a base.

A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to the provisions of § 924.70(c) applicable to a producer without a base beginning with the first day of the month in which such notification is received by the market administrator.

Payment for Milk

§ 924.80 Time and method of payment.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) computed pursuant to §§ 924.61, 924.62, 924.63 or 924.64 adjusted by the location and butterfat differentials pursuant to §§ 924.67 and 924.68, less any proper deduction authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.83 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidence by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, or in bulk tank delivery pursuant to § 924.6(c), not less than an amount computed by multiplying the price, for base milk subject to the location adjustment applicable at the transferee plant as provided by § 924.54 and the butterfat differential provided by § 924.53, by the total hundredweight of milk received by such handler from the cooperative association.

§ 924.81 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.82 and out of which he shall make all payments pursuant to § 924.83.

§ 924.82 Payments to the producer-equalization fund.

(a) On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 924.60 shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler, plus the minimum amount due from other handlers pursuant to § 924.80(c)) is greater than the minimum amount required to be paid by him pursuant to § 924.80; and

(b) On or before the date applicable thereto each handler who is required to make payment pursuant to § 924.66 (a) (1) or (b) (1) shall pay such amount to the market administrator.

§ 924.83 Payment out of the producer-equalization fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (in the case of a cooperative association which is a handler, plus the minimum amount due from other handlers pursuant to § 924.80(c)) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production, (b) all other source milk on which payments are computed pursuant to § 924.60 (d), and (c) the applicable amount specified in § 924.66 (a) (2) or (b) (2).

§ 924.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 (a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which

payment is not made pursuant to § 924.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 924.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

§ 924.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.82, 924.83, 924.84, 924.85 and 924.86 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 924.88 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilfull concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 924.90 Milk caused to be delivered by cooperative associations.

Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.91 Handler exemption.

A handler who operates a plant, other than a plant described in § 924.16 (b) or (c), located outside the marketing area from which fluid milk products are disposed of on a route(s) within the marketing area but from which the disposition of fluid milk products on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempted for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.92 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.93 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, and 924.33.

§ 924.94 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 924.22 (j)(2), 924.30, 924.31(b), 924.66, 924.80, 924.82, 924.83, 924.84, and 924.85 which follow such holiday shall be postponed by the number of days lost as a result of such holiday.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.100 Effective time.

The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.101 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part of any such provision thereof.

§ 924.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.103 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 29th day of October 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-9292; Filed, Nov. 2, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 687]

[Administrative Order No. 525]

INDUSTRY COMMITTEE NO. 45-B

Resignation and Appointment of Employee Member

A. Bernstein of Santurce, Puerto Rico, has resigned as an employee representative on Committee No. 45-B. Under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Hipolito Marcano of San Juan, Puerto Rico, to serve on said Committee as an employee representative.

Signed at Washington, D.C., this 28th day of October 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-9288; Filed, Nov. 2, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 165; Draft Release 59-16]

AIR TRAFFIC RULES

Postponement of Effective Date

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to postpone the effective date of Civil Air Regulations Amendment 60-14 (24 F.R. 6) from January 1, 1960, to July 1, 1960.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by December 15, 1959, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this Draft Release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comments will be given careful consideration.

Amendment 60-14 was adopted December 29, 1958, to become effective on January 1, 1960. This Amendment contains provisions for the establishment of "floors" of control areas at 1,500 feet and establishes a requirement for designation of terminal control areas with a floor of 700 feet to provide for the transition of arrival and departure aircraft between the control zone and en route control area. In addition, this Amendment authorizes the Administrator to make this Amendment, or any part thereof, effective in any portion of the airspace prior to January 1, 1960, the mandatory effective date.

To implement the provisions of this Amendment, a detailed study of terminal areas and route structures is required. The Federal Aviation Agency Regional Offices are presently conducting this study to determine those terminal control area configurations which are compatible with the terms of this Amendment and those which will require the designation of additional terminal control areas to accommodate the airport. Each individual change or addition to these areas involves additional time in order to conduct airspace action in accordance with the Administrative Procedure Act. Each segment of the airway route structure must be examined with respect to the elevation of the terrain. The corresponding minimum en route altitude (MEA) is then adjusted based upon the newly established floor of the control area. It is anticipated that they will have completed their studies and submitted the results to the Washington Office by November 16, 1959.

In addition to the workload associated with the development of the necessary airspace action, several more problems have become apparent which further affect implementation of the provisions of Amendment 60-14. For example, minimum en route altitudes (MEA) are presently determined with respect to obstructions on the ground and are established at least 1,000 feet (higher in mountainous terrain) above the highest obstruction located within a route segment. Accordingly, flight check information on the majority of the routes is based upon obstructions such as tall buildings, television towers, etc. However, Amendment 60-14 requires the floor of control areas to be established 1,500 feet or higher above the surface and intended that a safety buffer would be provided by establishing the minimum en route altitude (MEA) 500 feet above the floor. This, in effect, places a dual requirement for the establishment of MEA's, at least 1,000 feet above obstructions and in addition, at least 2,000 feet above the terrain.

Although the Federal Aviation Agency has complete records of obstruction altitudes, very little information relative to exact terrain elevations is available from any source. To positively assure that all MEA's are designated so as to be 2,000 feet above the terrain, a comprehensive review of the national route structure including extensive flight checking is essential. This includes some 40,000 en route and terminal procedures, including 310,000 miles of en route segment procedures and some 2,000 instrument approach procedures. While in some areas the flight procedure altitudes will remain unchanged, there is no alternative but to conduct these analyses and necessary flight checks to determine that change was not required. A similar analysis is necessary for all instrument approach procedures and terminal procedures.

In addition to the requirement for extensive flight checking throughout the routes system, innumerable other detailed analyses must be accomplished prior to implementation of Amendment 60-14. Further, once the determinations are made after a completed review and analysis, airspace designation action will require additional time. Since actual airspace actions require normal handling in the rule making process, it becomes apparent that complete action to ready the entire controlled airspace structure cannot be finalized by January 1, 1960.

Until each step of this time-consuming task has been completed, the Federal Aviation Agency is unable to implement the provisions of Amendment 60-14. Therefore, it is proposed to extend the mandatory effective date of Civil Air Regulations Amendment 60-14 to July 1, 1960, in order to permit the Federal Aviation Agency additional time to accomplish the implementation required by this Amendment.

(Sec. 307(a), 307(c), 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 749, 49 U.S.C. 1354, 1348))

Issued in Washington, D.C., on October 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9256; Filed, Nov. 2, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Order No. 145, Rev. 2]

BUREAU CHIEFS AND COAST GUARD COMMANDANT

Delegation of Functions

OCTOBER 28, 1959.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, the following delegation of functions is hereby made:

1. To the head of each bureau:

(a). The functions authorized by 28 U.S.C. 2672, to consider, ascertain, adjust, determine, settle, and pay claims for money damages of $2,500 or less, for injury, loss, or death, caused by the negligent or wrongful act or omission of any employee of the bureau concerned; and

(b) The functions authorized by the Act of December 28, 1922, 42 Stat. 1066, to consider, ascertain, adjust, and determine claims.

2. To the Commandant, United States Coast Guard:

(a) The functions authorized by 14 U.S.C. 645, to consider, adjust, determine, settle, and pay in an amount not in excess of $1,000, claims incident to activities of the Coast Guard, and to prescribe regulations pertaining thereto;

(b) The functions authorized by 14 U.S.C. 646, to consider, ascertain, adjust, compromise, settle, and pay claims for damages caused by vessels in the Coast Guard service, and for compensation for towage and salvage services, where the settlement of any such claim does not exceed $3,000; and

(c) The functions authorized by 14 U.S.C. 647, to consider, ascertain, adjust, determine, compromise, or settle claims for damage to property of the United States, where the settlement of any such claim does not exceed $3,000.

The authority herein delegated to the heads of bureaus and to the Commandant of the Coast Guard may be redelegated by them to any officer or employee of their respective bureaus.

[SEAL] FRED C. SCRIBNER, Jr.
Acting Secretary of the Treasury.

[F.R. Doc. 59-9272; Filed, Nov. 2, 1959; 8:47 a.m.]

[Order No. 167-39; (CGFR 59-45)]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions vested in the Secretary of the Treasury by 10 U.S.C. 2481, as amended by Public Law 86-156, pertaining to the sale of certain utilities in the immediate vicinity of a Coast Guard activity, when such utilities are not available from local sources.

The Commandant may make provisions for the performance by subordinates in the Coast Guard of the functions delegated herein.

Dated: October 28, 1959.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9274; Filed, Nov. 2, 1959; 8:47 a.m.]

[Order No. 167-40; (CGFR 59-44)]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions under section 654 (added by Pub. Law 86-159) of Chapter 17, Title 14, U.S.C. relating to the sale of fuel, supplies, and services to public and commercial vessels and watercraft if such vessel or watercraft is unable (1) to procure the fuel, supplies or services at its present location; and (2) to proceed to the nearest port where they may be obtained without endangering the safety of the ship, the health and comfort of its personnel, or the safe condition of the property carried aboard.

The Commandant may make provisions for the performance by subordinates in the Coast Guard of the functions delegated herein.

Dated: October 28, 1959.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9275; Filed, Nov. 2, 1959; 8:47 a.m.]

[AA 643.3]

ALUMINUM MILL PRODUCTS FROM ITALY

Determination of No Sales at Less Than Fair Value

OCTOBER 28, 1959.

A complaint was received that aluminum mill products such as sheets, plates, coils, and circles, imported from Italy, were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that aluminum mill products from Italy are not being, nor likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The aluminum mill products from Italy are purchased outright by the persons by whom or for whose account the merchandise is imported into the United States in arms-length negotiations. The quantity of aluminum mill products, the same as or similar to the aluminum mill products sold to the United States, sold for home consumption was adequate to form a basis for a fair value comparison. It was accordingly determined that the proper fair value comparison was between purchase price and home market price.

It was further determined that purchase price was not less than home market price. In arriving at the home market price for the purpose of the fair value comparison, due allowance was made for differences in quantity where applicable, for the cost of export packing, and for other differences in circumstances of sale. The amount of import duties paid upon materials and rebated upon the exportation of the finished products was added to purchase price, as provided by section 203 of the Antidumping Act.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-9276; Filed, Nov. 2, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order No. 566, Amdt. 7]

CERTAIN DESIGNATED OFFICIALS

Redelegation of Authority With Respect to Contracts for Services of Engineering and Architectural Firms

Order 566 (19 F.R. 3971), as amended (20 F.R. 2092, 5703; 21 F.R. 2290, 7460, 8219; 23 F.R. 5611), is further amended as hereinafter indicated.

Paragraph (a) of section 1 is revised to read as follows:

SECTION 1(a). *Redelegation of authority and designation of contracting officers.* The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior by Order 2838 (24 F.R. 2661) to negotiate, without advertising, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.) under section 302 (c) (4) of that act, contracts for services of engineering and architectural firms and Order 2509, as amended, pertaining to construction, supply and service contracts, irrespective of the amounts involved, is redelegated to each of the following officials or any one acting for them: The Deputy Commissioner; the Assistant Commissioner, Administration; the Chief, Branch of Plant Design and Construction and Area Directors. Each of those officials, or any one acting for them, is also designated as and is

authorized to perform the duties of Contracting Officer.

GLENN L. EMMONS,
Commissioner.

OCTOBER 28, 1959.

[F.R. Doc. 59-9257; Filed, Nov. 2, 1959; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[Airspace and Airport Docket No. 59-WA-400]

CITY OF TACOMA, WASHINGTON

Notice of Public Hearing

Notice is hereby given pursuant to Part 409 (24 F.R. 3498) and Part 550 (24 F.R. 7810) of the Regulations of the Administrator that the Federal Aviation Agency will hold a public hearing for the purposes hereinafter set forth.

The City of Tacoma, Washington, has requested funds under the Federal Airport Act (60 Stat. 173, as amended) for the construction of a municipal airport to serve scheduled air carriers and general aviation operations, at a site located across The Narrows from Tacoma on the Peninsula, Pierce County, Washington. The geographical coordinates of this site are approximately latitude 47°17'00" N. and longitude 122°34'00" W.

A public hearing will be held on December 2, 1959, at 10:00 a.m., local time, at 3628 South 35th Street, Tacoma, Washington, for the purpose of assisting the Administrator in ascertaining facts relevant to the location of the proposed airport and assuring conformance with plans and policies of the Administrator for allocations of airspace in the Seattle-Tacoma Terminal area complex.

Persons desiring to be heard are requested to notify the Regional Administrator, Federal Aviation Agency, by November 25, if possible, at 5651 Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles 15, California. Mr. Charles W. Carmody, Chief, Airspace Utilization Division, Bureau of Air Traffic Management; and Mr. Paul Morris, Deputy Chief, Airports Division, Bureau of Facilities, are hereby designated as presiding officers pursuant to §§ 409.14 and 550.10, respectively, of the Regulations of the Administrator, and sections 313 and 1004 of the Federal Aviation Act of 1958. (72 Stat. 752 and 792.)

Interested persons may also submit written data, views or arguments, in lieu of, or in addition to, matter presented orally at the hearing. Such communications should be submitted in triplicate to the Regional Administrator, Los Angeles, California. All relevant material presented at the hearing or in written communications received on or before December 8, 1959, will be considered by the Administrator before action is taken on the issues involved herein.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This hearing is scheduled under sections 307(a), 313(a) and 313(c), of the Federal Aviation Act of 1958 (72 Stat. 749, 752, and 753), and section 9(e) of the Federal Airport Act (60 Stat. 173, as amended).

Issued in Washington, D.C., on October 30, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-9319; Filed, Nov. 2, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12194 etc.; FCC 59M-1421]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Further Hearing

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194 (11645 & 11646);[1] charges, classifications, regulations and practices for and in connection with channels for data transmission.

Pursuant to agreements reached in hearing conference on October 14, 1959, as shown by the transcript record, Volume D-3;

It is ordered, This 27th day of October 1959, that copies of proposed written testimony and exhibits to be offered in evidence by the respondents shall be notified to the participating parties (GSA and Bureau) on or before January 8, 1960, and that the further hearing shall be commenced at 10:00 a.m. on Tuesday, January 26, 1960.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9277; Filed, Nov. 2, 1959; 8:48 a.m.]

[1] This proceeding technically continues to be part of the hearing upon the private line matters involved in the consolidated Dockets 11645, 11646, and 12194. However, pursuant to procedures specifically ordered by the Commission, the evidentiary hearings in Dockets 11645 and 11646 have been completed and the hearing record will soon be certified for Commission consideration as directed. Also, as the Commission has explicitly ordered, the hearing of additional evidence to complete the record in Docket 12194 will be carried on as indicated in this order. For the purpose of preserving a distinction in this duality situation of overlapping hearing records, the caption of the further proceedings has been modified and will be henceforth utilized as here shown. Additionally, transcript volumes in this phase of the proceeding (two were generated before consolidation) will bear the single caption of Docket No. 12194, and are to be serially numbered with a D prefix. It is finally to be noted that future documents (e.g., orders and proposed findings) to be filed in the closed record proceedings will properly bear the entire caption of the consolidated proceeding.

[Docket Nos. 13197, 13198; FCC 59M-1434]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Affirming Prehearing Conference

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH-2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH-2695; for construction permits.

A prehearing conference had been originally scheduled for October 26, 1959, but was canceled by order released October 15. On the request of counsel for applicant International, however, on October 19 it was rescheduled for November 17, 1959.

The Hearing Examiner has just today received a letter, dated October 12, 1959, written by applicant Felt, asking that the prehearing conference of October 26 "be postponed for 30 days in order that my attorney and engineer may have time to prepare their presentations." Since a substantial extension has already been granted by the order rescheduling the conference to November 17, Felt's request for a 30-day postponement from October 26, which was written before but received by the Hearing Examiner after that order, may be dismissed.

Accordingly: *It is ordered,* This 28th day of October 1959, that Felt's request for postponement in his letter dated October 12, 1959, is dismissed, and the date of November 17, 1959, for a prehearing conference is affirmed.

Released: October 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9278; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket No. 12068 etc.; FCC 59-1079]

FLORENCE BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Requests: 940 kc, 250 w, Day, Docket No. 12068, File No. BP-10850; Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Has: 930 kc, 1 kw, DA-2, U, Requests: 930 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 13222, File No. BP-11439; F. E. Lackey, Pierce E. Lackey and William Ellis Wilson, d/b as Richmond Broadcasting Company, Centerville, Indiana, Requests: 930 kc, 500 w, DA-D, Docket No. 13223, File No. BP-11625; Charles H. Chamberlain, Urbana, Ohio, Requests: 940 kc, 1 kw, Day, Docket No. 13224, File No. BP-11736; Guilford Advertising, Inc. (WPET), Greensboro, North Carolina, Has: 950 kc, 500 w, Day, Requests: 950 kc, 5 kw, DA-2, U, Docket No. 13225, File No. BP-11742; Mt. Vernon Radio and

Television Company (WMIX), Mt. Vernon, Illinois, Has: 940 kc, 1 kw, Day, Requests: 940 kc, 5 kw, DA–D, Docket No. 13226, File No. BP–11829; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Requests: 950 kc, 1 kw, DA–D, Docket No. 13227, File No. BP–11877; M. M. Lawrence and Ruel O. Thomas, d/b as Lake Cumberland Broadcasting Company, Jamestown, Kentucky, Requests: 940 kc, 1 kw, Day, Docket No. 13228, File No. BP–12213;

Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Has: 950 kc, 1 kw, Day, Requests: 950 kc, 5 kw, Day, Docket No. 13229, File No. BP–12228; Sam Kamin and James A. Howenstine, d/b as Citizens Broadcasting Company, Lima, Ohio, Requests: 940 kc, 250 w, DA–D, Docket No. 13230, File No. BP–12319; Virginia-Kentucky Broadcasting Company, Incorporated (WNRG), Grundy, Virginia, Has: 1250 kc, 1 kw, Day, Requests: 940 kc, 5 kw, Day, Docket No. 13231, File No. BP–12326; J. B. Crawley, R. L. Turner, W. B. Kelly and Dean Harden, d/b as Shelby Broadcasting Company, Shelbyville, Kentucky, Requests: 940 kc, 250 w, Day, Docket No. 13232, File No. BP–12352; Richard M. Pomeroy and Bessie M. Pomeroy, d/b as Radio 940, South Haven, Michigan, Requests: 940 kc, 1 kw, DA–D, Docket No. 13233, File No. BP–12373; William E. Benns, Jr., and Barbara Benns, d/b as East Virginia Broadcasting Co., Smithfield, Virginia, Requests: 940 kc, 10 kw, 50 kw-LS, DA–2, U, Docket No. 13234, File No. BP–12384; Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis & John B. Skelton, Jr., d/b as WCPC Broadcasting Company (WCPC), Houston, Mississippi, Has: 1320 kc, 5 kw, Day, Requests: 940 kc, 10 kw, DA–D, Docket No. 13235, File No. BP–12420; Cape Fear Broadcasting Company (WFNC), Fayetteville, North Carolina, Has: 1390 kc, 1 kw, 5 kw-LS, DA–2, U, Requests: 940 kc, 1 kw, 10 kw-LS, DA–N, U, Docket No. 13236, File No. BP–12485;

W.L.K.Y., Inc., Lexington, Kentucky, Requests: 940 kc, 1 kw, Day, Docket No. 13237, File No. BP–12498; Radio Associates, Inc., Potomac, Maryland, Requests: 950 kc, 1 kw, DA–D, Docket No. 13238, File No. BP–12587; Miami Valley Christian Broadcasting Association, Incorporated, Miamisburg, Ohio, Requests: 940 kc, 250 w, DA–D, Docket No. 13239, File No. BP–12640; Tri-Cities Radio Corporation, Bristol, Virginia, Requests: 940 kc, 50 kw, DA–D, Docket No. 13240, File No. BP–12724; Charles F. Trivette and Herman G. Dotson, d/b as Western Ohio Broadcasting Co., Delphos, Ohio, Requests: 940 kc, 250 w, Day, Docket No. 13241, File No. BP–12779; Raymond I. Kandel and Gus Zaharis, Zanesville, Ohio, Requests: 940 kc, 250 w, Day, Docket No. 13242, File No. BP–12812; The Tidewater Broadcasting Company, Incorporated, Smithfield, Virginia, Requests: 940 kc, 10 kw, Day, Docket No. 13243, File No. BP–12814; Greater District Broadcasting Company, Takoma Park, Maryland, Requests: 940 kc, 10 kw, DA–D, Docket No. 13244, File No. BP–12924; Caba Broadcasting Corporation, Baltimore, Maryland, Requests: 940 kc, 1 kw, DA–D, Docket No. 13245, File No. BP–12962; Continental Broadcasting Company, Cincinnati, Ohio, Requests: 940 kc, 5 kw, DA–D, Docket No. 13246, File No. BP–13088;

Rossmoyne Corporation, Lebanon, Pennsylvania, Requests: 940 kc, 1 kw, D, Docket No. 13247, File No. BP–13110; Edwin R. Fischer, Newport News, Virginia, Requests: 940 kc, 10 kw, D, Docket No. 13248, File No. BP–13114; Clarence C. Moore, tr/as Fort Wayne Broadcasting Company, Fort Wayne, Indiana, Requests: 940 kc, 1 kw, DA–Day, Docket No. 13249, File No. BP–13120; Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, Requests: 940 kc, 1 kw, DA–Day, Docket No. 13250, File No. BP–13150; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Co., McLean, Virginia,, Requests: 950 kc, 1 kw, DA–Day, Docket No. 13251, File No. BP–13153; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 21st day of October 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal with the exceptions that Florence Broadcasting Company, Inc. (BP–10850); Tri-Cities Radio Corporation (BP–12724); and Miami Valley Christian Broadcasting Association, Inc. (BP–12640) may not be financially qualified; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated August 19, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of any one of the applications herein and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing, that, by amendment filed September 21, 1959, the applicant in BP–12384, claims that it will not cause objectionable nighttime interference to the existing operation of Station WIPR, San Juan, Puerto Rico, since WIPR is presently under considerable interference from a station located in Haiti; but there has been no official notification of the said Haitian operation; and that, therefore, it appears, on the basis of the information presently available, that Station WIPR will receive objectionable nighttime interference from the proposal of BP–12384; and

It further appearing, that, by letter dated August 19, 1959, BP–12724 was asked to submit pertinent measurement data to establish whether 2 and 25 mv/m contour overlap would occur with Station WTCW, Whitesburg, Kentucky, but to date, the above data has not been submitted, although it is still required in order to make the above determination; and

It further appearing, that, by amendment filed September 8, 1959, Michigan Broadcasting Company, BP–11439, demonstrated that no interference would be caused to BP–11625 from its instant proposal; and

It further appearing, that, in the Commission's letter of August 19, 1959, a question was raised as to whether the Wilson family retained any interest in Station WOPI in contravention of § 3.35 of the Commission rules, since James C. Wilson is a shareholder in BP–12724; that by amendment filed September 29, 1959, the applicant in BP–12724 contends that the notes held by James C. Wilson do not constitute an ownership interest in Station WOPI, however, should the Commission deem it necessary that all connections with WOPI be severed, Mr. Wilson is willing to have the grant of BP–12724 conditioned upon the disposing of his interest in the notes; that it is further contended that the notes held by members of the Wilson family do not constitute an ownership interest in WOPI; that the Commission has permitted members of immediate families to hold ownership interests simultaneously in broadcast facilities in the same city and that therefore no question can exist under § 3.35 of the rules as to the propriety of their holding notes against WOPI; but that the Commission is unable to make a determination in this matter on the basis of the information before it and is of the opinion that it is necessary to obtain complete information in the evidentiary hearing ordered below to determine whether James C. Wilson and members of his immediate family retain any interest in Station WOPI in view of the terms of the agreements governing the transfer of control of WOPI by members of the Wilson family and to determine whether a grant of the application of the Tri-Cities Radio Corporation would be in contravention of § 3.35 of the Commission rules on multiple ownership; and

It further appearing, that by amendment filed October 15, 1959, replying to the Commission's letter of August 19, 1959, the applicant in BP–12640 submitted data purporting to show that it was financially qualified to construct and operate its proposed station, but that on the basis of the information filed it cannot be found that the applicant has shown sufficient funds available to finance the construction and early operation of the proposed station since (1) the persons who have subscribed for the bonds have not shown adequate available funds to fulfill their commitments to the applicant corporation; (2) the two individuals, Corbin and Speece, who have agreed to lend $5,000 each to the applicant have secured loan commitments in order to obtain the cash needed but the loan commitments appear to be in-

complete since Corbin does not show terms of repayment of his loan; and the agreement made by Speece in which his loan was conditioned upon the furnishing to the Gem City Savings Association a good title to his property and that said commitment for the loan would only be good until December 1, 1959, is too indefinite to be considered a binding agreement; and,

It further appearing, that, by amendment filed September 29, 1959, replying to the Commission's letter of August 19, 1959, the applicant in BP–12724 submitted data purporting to show that it was financially qualified but that on the basis of the information filed, it cannot be found that the applicant has shown adequate funds available to finance the construction and early operation of its proposed station since (1) the financial statement of James C. and Josephine Wilson does not appear to reflect sufficient cash or liquid assets available to fulfill their commitments to the applicant corporation; and (2) the letter from the equipment manufacturer indicates the estimated cost of the station has increased whereas the application does not appear to show this change, nor does the letter appear to be a definite commitment for deferred credit but merely information showing terms available in the purchase of equipment if and when credit has been approved; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive new primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations involved in the interference between the proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the operations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Proposals and Existing Stations

BP–10850	KXJK, Forrest City, Ark.
BP–11625	WPFB, Middletown, Ohio.
BP–11736	WWJ, Detroit, Mich.
BP–11829	BP–11001, Cape Girardeau, Mo. (Docket No. 12264).
BP–12213	WLIV, Livingston, Tenn.
BP–12228	WPEN, Philadelphia, Pa.; WPET, Greensboro, N.C.
BP–12352	WXLW, Indianapolis, Ind.
BP–12384	WXGI, Richmond, Va.; WRRF, Washington, N.C.; WIPR, San Juan, Puerto Rico.
BP–12420	KXJK, Forrest City, Ark.; WSLI, Jackson, Miss.
BP–12724	WTCW, Whitesburg, Ky.
BP–12779	WWJ, Detroit, Mich.
BP–12812	WESA, Charleroi, Pa.; WGRP, Greenville, Pa.
BP–12814	WXGI, Richmond, Va.
BP–12924	WFMD, Frederick, Md.
BP–12962	WPEN, Philadelphia, Pa.
BP–13110	WCNR, Bloomsburg, Pa.; WHYL, Carlisle, Pa.; WPEN, Philadelphia, Pa.
BP–13114	WXGI, Richmond, Va.
BP–13120	WMIX, Mt. Vernon, Ill.; WXLW, Indianapolis, Ind.
BP–13150	WFMD, Frederick, Md.
BP–13153	WNCC, Barnesboro, Pa.

6. To determine whether transmitter site proposed by Florence Broadcasting Company, Inc. (BP–10850) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of BP–12724 and WTCW, Whitesburg, Kentucky, in contravention of § 3.37 of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether the antenna system proposed by WCPC Broadcasting Company (BP–12420), Continental Broadcasting Company (BP–13088), Catonsville Broadcasting Company (BP–13150), and Guilford Advertising, Inc. (BP–11742) would constitute a hazard to air navigation.

9. To determine the type and character of program service which would be broadcast by Guilford Advertising, Inc., BP–11742 and whether the program service would be in the public interest.

10. To determine whether a grant of the instant proposal of Tri-Cities Radio Corporation (BP–12724) would be in contravention of the provisions of § 3.35 (a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

11. To determine whether Florence Broadcasting Company, Inc. (BP–10850), Tri-Cities Radio Corporation (BP–12724), and Miami Valley Christian Broadcasting Association, Inc. (BP–12640), are financially qualified to construct and operate their stations as proposed.

12. To determine whether the instant propsals of Seven Locks Broadcasting Company (BP–11877), Radio Associates, Inc. (BP–12587), and Catonsville Broadcasting Company (BP–13150) would serve what is a community within the meaning of section 307(b) of the Communications Act of 1934, as amended.

13. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

14. To determine, on a comparative basis, in the event that Potomac, Maryland or Smithfield, Virginia is, or are, selected as having the greatest need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Forrest City Broadcasting Company (KXJK, Forrest City, Ark.).

Mr. Paul F. Braden (WPFB, Middletown, Ohio).

The Evening News Association (WWJ, Detroit, Mich.).

Hirsch Broadcasting Co. BP–11001 (KFVS, Cape Girardeau, Mo.).

Audie Broadcasters (WLIV, Livingston, Tenn.).

William Penn Broadcasting Co. (WPEN, Philadelphia, Pa.).

Radio Indianapolis, Inc. (WXLW, Indianapolis, Ind.).

North Cambria Broadcasters, Inc. (WNCC, Barnesboro, Pa.).

Tar Heel Broadcasting System, Inc. (WRRF, Washington, N.C.).

Dept. of Education of Puerto Rico (WIPR, San Juan, Puerto Rico).

Capitol Broadcasting Company (WSLI, Jackson, Miss.).

Folkways Broadcasting Company, Inc. (WTCW, Whitesburg, Ky.).

Monongahela Valley Broadcasting Corp. (WESA, Charleroi, Pa.).

Greenville Broadcasting Company (WGRP, Greenville, Pa.).

The Monocacy Broadcasting Co. (WFMD, Frederick, Md.).

Columbia-Montour Broadcasting Corp. (WCNR, Bloomsburg, Pa.).

Richard F. Lewis, Jr., Inc., of Carlisle (WHYL, Carlisle, Pa.).

It is further ordered, That, the following licensees who are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Guilford Advertising, Inc. (WPET), Greensboro, North Carolina.
Mt. Vernon Radio & Television Company (WMIX), Mt. Vernon, Illinois.
Radio Virginia, Incorporated (WXGI), Richmond, Virginia.

It is further ordered, That, in the event of a grant of the proposal of Guilford Advertising, Inc. (BP–11742), the construction permit shall contain a condition that the permittee must submit current distribution measurement data to establish that the electrical height of the antenna towers has been achieved by top loading as proposed.

It is further ordered, That, in the event of a grant of BP–12384, the construction permit shall contain a condition that the permittee shall submit, prior to program test authorization, satisfactory measurement data pursuant to the provisions of §§ 3.48 and 3.524 of the Commission rules.

It is further ordered, That, in the event of a grant of BP–12724, the construction permit shall contain a condition that type approved frequency and modulation monitors be installed.

It is further ordered, That, in the event of a grant of BP–11829, the construction permit shall contain a condition that the permittee has agreed and therefore will accept any interference which may result from a subsequent grant of either BP–11685, BP–11875, or BP–12530, all in Granite City, Illinois.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9279; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket No. 12068 etc.; FCC 59M–1435]

FLORENCE BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Florence Broadcasting Company, Inc., Brownsville, Tennessee, et al., Docket Nos. 12068, 13222, 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13234, 13235, 13236, 13237, 13238, 13239, 13240, 13241, 13242, 13243, 13244, 13245, 13246, 13247, 13248, 13249, 13250, 13251, File No. BP–10850; for construction permits.

It is ordered, This 28th day of October 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 15, 1960, in Washington, D.C.

Released: October 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9280; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket Nos. 12619, 12620; FCC 59M–1422]

GRAVES COUNTY BROADCASTING CO., INC. AND MUHLENBURG BROADCASTING CO. (WNES)

Order Scheduling Hearing

In re applications of Graves County Broadcasting Company, Inc., Providence, Kentucky, Docket No. 12619, File No. BP–11577; Muhlenburg Broadcasting Company (WNES), Central City, Kentucky, Docket No. 12620, File No. BP–11731; for construction permits.

On the Examiner's own motion: *It is ordered,* This 27th day of October 1959, that the hearing in the above-entitled proceeding presently continued without date, is hereby scheduled to be held on November 23, 1959, at 9:45 a.m., in the offices of the Commission, Washington, D.C.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9281; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket No. 13253; FCC 59M–1427]

MADISON BROADCASTERS

Order Scheduling Hearing

In re application of John W. Ecklin and James C. Grisham d/b as Madison Broadcasters, Madison, South Dakota, Docket No. 13253, File No. BP–12222; for construction permit.

It is ordered, This 27th day of October 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 4, 1960, in Washington, D.C.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9282; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket Nos. 13213, 13214; FCC 59M–1430]

MOUNT WILSON FM BROADCASTERS, INC. AND FREDDOT, LTD. (KITT)

Order for Prehearing Conference

In re application of Mount Wilson FM Broadcasters, Inc. (KBCA), Los Angeles, California, Docket No. 13213, File No. BPH–2705; Freddot, Ltd. (KITT), San Diego, California, Docket No. 13214, File No. BMPH–5593; for construction permits (FM facilities).

A prehearing conference in the above-entitled proceeding will be held on Tuesday, November 10, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 28th day of October 1959.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9283; Filed, Nov. 2, 1959; 8:43 a.m.]

[Docket No. 13254; FCC 59M–1425]

SANTA ROSA BROADCASTING CO.

Order Scheduling Hearing

In re application of Santa Rosa Broadcasting Company, Santa Rosa, California, Docket No. 13254, File No. BP–11573; for construction permit.

It is ordered, This 27th day of October 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 4, 1960, in Washington, D.C.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–9284; Filed, Nov. 2, 1959; 8:43 a.m.]

[Docket No. 13089 etc.; FCC 59M–1424]

TIFFIN BROADCASTING CO.

Order Scheduling Further Prehearing Conference and Continuing Hearing

In re applications of William E. Benns, Jr., & Barbara Benns, d/b as Tiffin Broadcasting Company, Tiffin, Ohio, et al., Docket Nos. 13089, 13090, 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139,

13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, File No. BP-11392; for construction permits.

It is ordered, This 27th day of October 1959, that the following dates shall apply for the exchange of engineering data and for further prehearing conferences by groups:

	Exchange date	Further prehearing conference
Group 1	Nov. 25, 1959	Dec. 9, 1959
Group 2	Dec. 18, 1959	Jan. 11, 1960
Group 3	Jan. 4, 1960	Jan. 18, 1960
Group 4	Jan. 11, 1960	Jan. 25, 1960
Group 5	Jan. 18, 1960	Feb. 1, 1960
Group 6	Jan. 25, 1960	Feb. 8, 1960
Group 7	Feb. 1, 1960	Feb. 15, 1960

and

It is further ordered, That the parties may, if they desire, limit their service of the exchange of engineering data to the particular group in which they are associated, to "connecting" parties to the groups in which they are involved, and to respondents connected to their groups, provided that if any party to this proceeding requests service of such engineering data from any other party to the proceeding, irrespective of grouping, the requesting party may receive the same by making his request to the supplier at least twenty (20) days prior to the exchange date (set forth above) for the exchange concerning the particular group in question;

It is further ordered, That the engineering data should be as nearly in exhibit form as possible (pursuant to discussions in the prehearing conferences already held) and that the engineering data shall cover all technical matters with which the applicant finds himself concerned under the Commission's order of designation;

It is further ordered, That the hearing in this matter now scheduled to commence on November 23, 1959, is continued to a further date or dates to be determined at the above-mentioned prehearing conferences.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9285; Filed, Nov. 2, 1959; 8:48 a.m.]

[Docket No. 13252; FCC 59M-1426]

TRI-STATE BROADCASTING CO. (WGTA)

Order Scheduling Hearing

In re application of Tri-State Broadcasting Company (WGTA), Summerville, Georgia, Docket No. 13252, File No. BP-12296; for construction permit.

It is ordered, This 27th day of October 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 7, 1960, in Washington, D.C.

Released: October 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-9286; Filed, Nov. 2, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2036]

STUDEBAKER-PACKARD CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

OCTOBER 28, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Studebaker-Packard Corporation, Common Stock "When Issued", File No. 7-2036.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 13, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 59-9261; Filed, Nov. 2, 1959; 8:46 a.m.]

[File No. 7-2037]

STUDEBAKER-PACKARD CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

OCTOBER 28, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Studebaker-Packard Corporation, Common Stock "When Issued", File No. 7-2037.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 13, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-9262; Filed, Nov. 2, 1959; 8:46 a.m.]

[File No. 7-2038]

STUDEBAKER-PACKARD CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

OCTOBER 28, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Studebaker-Packard Corporation, Common Stock "When Issued", File No. 7-2038.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before November 13, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-9263; Filed, Nov. 2, 1959; 8:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

OCTOBER 28, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the $1.00 par value common stock of F. L. Jacobs Co., File No. 1-2645.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On October 16, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending October 28, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, October 29, 1959 to November 7, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-9264; Filed, Nov. 2, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 10-16-59 to 10-15-60 (men's and boys' work pants and dungarees).

Blue Ridge Shirt Manufacturing Co., Inc., Fayetteville, Tenn.; effective 10-25-59 to 10-24-60 (men's and boys' sport shirts).

Carbondale Children's Dress Co., 30 Seventh Avenue, Carbondale, Pa.; effective 10-26-59 to 10-25-60 (children's and girls' dresses and playsuits).

The Carthage Corp., Carthage, Miss.; effective 11-1-59 to 10-31-60 (men's pants).

Cordele Uniform Co., 621 Eleventh Avenue East, Cordele, Ga.; effective 10-16-59 to 10-15-60; workers engaged in the production of men's washable service apparel.

Cordele Uniform Co., 621 Eleventh Avenue, East, Cordele, Ga.; effective 10-16-59 to 10-15-60; workers engaged in the production of women's washable service apparel.

Decherd-Franklin Co., Inc., Decherd, Tenn.; effective 10-15-59 to 10-14-60 (men's single slacks).

Elberton Manufacturing Co., Elberton, Ga.; effective 10-16-59 to 10-15-60 (women's blouses).

The Erno Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky.; effective 10-19-59 to 10-18-60 (men's shirts and sport shirts).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 10-15-59 to 10-14-60 (men's pants).

Harriet Shirt Corp., Inc., Exmore, Va.; effective 11-1-59 to 10-31-60 (boys' shirts).

Harrisburg Children's Dress Co., 1380 Howard Street, Harrisburg, Pa.; effective 10-26-59 to 10-25-60 (children's and girls' dresses and playsuits).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 10-26-59 to 10-25-60 (men's and boys' sport shirts).

Hicks-Hayward Co., Del Rio, Texas; effective 10-21-59 to 10-20-60 (men's and boys' work clothing).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 10-31-59 to 10-30-60 (men's woven sleepwear).

Luverne Slacks Co., Luverne, Ala.; effective 10-19-59 to 10-18-60 (men's and boys' slacks).

Milam Manufacturing Co., Tupelo, Miss.; effective 10-19-59 to 10-18-60 (children's garments).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 10-19-59 to 5-7-60 (replacement certificate) (men's and ladies' sport shirts).

Nettleton Garment Co., Nettleton, Miss.; effective 10-27-59 to 10-26-60 (men's and boys' cotton work pants).

Reliance Manufacturing Co., Factory No. 40, Water Valley, Miss.; effective 10-15-59 to 10-14-60. (men's and boys' work pants).

Selro Manufacturing Co., Washington Street Extended, Rear 115 Race Street, 113 Gay Street, Cambridge, Md.; effective 10-15-59 to 4-19-60 (replacement certificate) (women's sportswear).

Tom and Huck Togs, Inc., Amory, Miss.; effective 10-15-59 to 10-14-60 (men's and boys' slacks).

Trend Trousers, Inc., LaCrosse, Ind.; effective 10-14-59 to 10-13-60 (men's dress slacks).

Trend Trousers, Inc., 512 Railroad Avenue, North Judson, Ind.; effective 10-14-59 to 10-13-60 (men's dress slacks).

Vesta Corset Co., Inc., McGraw, N.Y.; effective 10-19-59 to 10-18-60 (women's corsets, etc.).

Washington Overall Manufacturing Co., Inc., South Court and Maple Streets, Scottsville, Ky.; effective 10-26-59 to 10-25-60 (men's and boys' trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Red Bay, Ala.; effective 10-14-59 to 1-14-60; 30 learners (supplemental certificate) (men's and boys' work and sport trousers).

Carl-Lee Trouser Co., Inc., Brilliant, Ala.; effective 10-16-59 to 4-15-60; 10 learners (men's and boys' dress slacks).

Harmony Manufacturing Co., Inc., Harmony, N.C.; effective 10-13-59 to 4-12-60; 40 learners (women's apparel, men's shirts).

Landress-Smith Corp., Hoschton, Ga.; effective 10-19-59 to 4-18-60; 50 learners (men's slacks).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 10-19-59 to 4-18-60; 30 learners (men's and ladies' sport shirts).

Reidbord Brothers Co., Livingston Street, Elkins, W. Va.; effective 10-16-59 to 2-29-60; 35 learners (men's work shirts and trousers).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 10-13-59 to 12-14-59; 50 learners (supplemental certificate) (men's and boys' single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Lambert Manufacturing Co., Kirksville, Mo.; effective 10-17-59 to 10-16-60; 10 learners for normal labor turnover purposes (cotton and leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; effective 10–17–59 to 10–16–60; five percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 10–20–59 to 4–19–60; 15 learners for plant expansion purposes (full-fashioned and seamless).

Mary Grey Hosiery Mills, Bristol, Va.; effective 10–31–59 to 10–30–60; five percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Kayser Roth Hosiery Co., Concord Full Fashioned Knitting, Concord Seamless Knitting and Concord Finishing Divs., Concord, N.C.; effective 10–31–59 to 10–30–60; five percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

The Wilma Hosiery Mill, Inc., Spruce Pine, N.C.; effective 10–19–59 to 4–18–60; 15 learners for plant expansion purposes (seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N.C.; effective 10–15–59 to 10–14–60; 5 learners for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., 202 North Elm Avenue, Sanford, Fla.; effective 10–13–59 to 4–12–60; 15 learners for plant expansion purposes. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Carolina Underwear Co., Inc., Forsyth Division, Thomasville, N.C.; effective 10–21–59 to 4–20–60; 15 learners for plant expansion purposes (children's and ladies' panties).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 10–31–59 to 10–30–60; five percent of the total number of factory production workers engaged in the manufacture of men's woven underwear for normal labor turnover purposes.

Roanoke Mills, Inc., 505 Sixth Street, SW., Roanoke, Va.; effective 10–13–59 to 10–12–60; five percent of the total number of factory production workers for normal labor turnover purposes (sportswear, underwear, etc.).

Van Raalte Co., Inc., Maple Street, Middlebury, Vt.; effective 10–31–59 to 10–30–60; five percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Monarch-Comer Co., Comer, Ga.; effective 10–19–59 to 4–18–60; five learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing each for a learning period of 480 hours at the rates of not less than 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (coats and jackets).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of October 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59-9260; Filed, Nov. 2, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ARNOLD STOLL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Arnold Stoll, Berne, Switzerland; Claim No. 61228; $537.00 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D.C., on October 28, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 59-9265; Filed, Nov. 2, 1959; 8:46 a.m.]

PANKOS OPERATING CO., S.A.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Pankos Operating Company, S.A., Göteborg, Sweden; Claim No. 59803; $450.00 in the Treasury of the United States. Vesting Order No. 17673.

Executed at Washington, D.C., on October 26, 1959.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F.R. Doc. 59-9226; Filed, Oct. 30, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 29, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35794: *Sand—Southwestern points to northern and eastern points.* Filed by Southwestern Freight Bureau, Agent, (No. B–7672), for interested rail carriers. Rates on sand, carloads, as described in the application from specified points in Arkansas, Missouri, Oklahoma, and Texas to Crown Point, Ind., Harrison, N.J., and Nelsonville, Ohio.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 30 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4319.

FSA No. 35795: *Liquefied petroleum gas between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 367), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads between points in Texas over interstate routes through adjoining states.

Grounds for relief: Short-line distance formula and maintenance of different bases of rates from or to points in other states.

Tariff: Supplement 41 to Texas-Louisiana Freight Bureau, Agent, tariff I.C.C. 890.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-9258; Filed, Nov. 2, 1959; 8:46 a.m.]

[Notice 214]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 29, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62477. By order of October 27, 1959, the Transfer Board approved the transfer to Nelson Trucking, Inc., Burket, Ind., of Certificates in Nos.

MC 93035, MC 93035 Sub 9, and MC 93035 Sub 10, issued August 6, 1946, May 10, 1948, and November 14, 1950, respectively, to Denzel Nelson, doing business as Nelson Trucking Company, Burket, Ind., authorizing the transportation of: Various named commodities of a general commodity nature, between specified points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin. William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis 4, Indiana, for applicants.

No. MC–FC 62478. By order of October 26, 1959, the Transfer Board approved the transfer to Robert F. Hansen, doing business as Hansen Trucking, Lovell, Wyo., of Certificate No. MC 107452 issued January 22, 1948, in the name of Clarence R. Mangus, Lovell, Wyo., authorizing the transportation of livestock, feeds, and seeds, over irregular routes, between Billings, Mont., and points in Montana within 50 miles thereof, on the one hand, and, on the other, Lovell, Wyo., and points within 50 miles thereof, except those in Park County, Wyo. Robert F. Hansen, P.O. Box 362, Lovell, Wyo., for transferee and Clarence R. Mangus, Lovell, Wyo., for transferor.

No. MC–FC 62492. By order of October 27, 1959, the Transfer Board approved the transfer to W. E. Zink, Jr., Knob Noster, Mo., of Certificate in No. MC 999, issued May 10, 1937, to W. E. Zink, doing business as Zink Truck Service, Knob Noster, Mo., authorizing the transportation of: *commodities generally,* except those of unusual value, between Knob Noster, Mo., and Kansas City, Kans.

No. MC–FC 62550. By order of October 26, 1959, the Transfer Board approved the transfer to Richard A. Bangsund, Downey, California, of Certificate in No. MC 106906, issued February 2, 1950, to Ray Cox, doing business as Panhandle Transfer Co., Amarillo, Texas, authorizing the transportation of: Household goods between points in Gray, Hutchinson, Hemphill, Carson and Wheeler Counties, Tex., on the one hand, and, on the other, points in New Mexico; between points in Hemphill, Carson, and Wheeler Counties, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas; and between points in Gray, and Hutchinson Counties, Texas, on the one hand, and, on the other, points in Oklahoma and Kansas. Sterling E. Kinney, 630 Amarillo Building, Amarillo, Texas.

No. MC–FC 62635. By order of October 27, 1959, the Transfer Board approved the transfer to Thomas Holmes and Donald Couture, a partnership, doing business as Garnett Truck Line, Garnett, Kansas, of Certificate in No. MC 7127, issued July 19, 1951, to Francis Holmes and Thomas Holmes, a partnership, doing business as Holmes Bros., Garnett, Kansas, authorizing the transportation of: General commodities, excluding household goods, and other specified commodities, between Garnett, Kans., and Kansas City, Mo., and from Kansas City, Mo., to Garnett, Kans.; twine, parts for agricultural implements and grease in containers from Kansas City, Mo., to Richmond, Kans.; feed, agricultural implements and wire from Kansas City, Mo., to Williamsburg, Kans.; livestock between Harris, Kans., and Kansas City, Mo.; general commodities from Kansas City, Mo., to Harris, Kans.; livestock, agricultural commodities and farm machinery from Garnett, Kans., and points within 15 miles of Garnett, to Kansas City, Kans., and Kansas City, Mo.; and livestock, fertilizer, feed, agricultural commodities, lumber, farm machinery and parts from Kansas City, Mo., and Kansas City, Kans., to Garnett, Kans., and points within 15 miles of Garnett.

No. MC–FC 62652. By order of October 27, 1959, the Transfer Board approved the transfer to Jim Tiona, Jr., Butler, Mo., of Certificate in No. MC 118535, issued September 4, 1959, to Homer J. Henke, doing business as Henke Truck Line, Falls City, Nebr., authorizing the transportation of: Dry fertilizer, dry fertilizer materials, feed grade urea compounds and technical grade urea, from Pryor, Okla., to points in Kansas and Nebraska; and substituted Jim Tiona, Jr., for Homer J. Henke, doing business as Henke Truck Line, in MC 118535 Sub 2. C. A. Ross, 1005 Trust Building, Lincoln 8, Nebr.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 59–9259; Filed, Nov. 2, 1959; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 28, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35790: *Petroleum and Products—Kansas City, Mo.-Kans., to Iowa and Missouri points.* Filed by Southwestern Freight Bureau, Agent (B–7669), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in tank cars, straight or mixed carloads from Kansas City, Mo.-Kans., to specified points in Iowa and Missouri.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 29 to Southwestern Freight Bureau, Agent, tarff I.C.C. 4113. Supplement 99 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4279.

FSA No. 35791: *Chemicals—Baton Rouge and Reserve, La., to southern territory.* Filed by O. W. South, Jr. (SFA No. A3857), Agent, for interested rail carriers. Rates on benzene, toluene, and xylene, tank-car loads from Baton Rouge and Reserve, La., and points grouped with and taking same rates to destinations in southern territory and points grouped with named destinations as taking same rates.

Grounds for relief: Market competition with New Orleans, La.

Tariff: Supplement 6 to Southern Freight Association, Agent, tariff I.C.C. C–72, and later amendment thereto.

FSA No. 35792: *Substituted service—C&NW Ry. for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 18), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, Iowa, or St. Paul, Minn., on the other, on traffic originating at or destined to points in the territories described in the application.

Grounds for relief: Motor truck competition.

Supplement 1 to Household Goods Carriers' Bureau, Agent, tariff MF–I.C.C. No. 91.

FSA No. 35793: *Substituted service—Illinois Central R.R. for H. & W. Motor Express.* Filed by Middlewest Motor Freight Bureau, Agent (No. 198), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Dubuque, Iowa, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 114 to Middlewest Motor Freight Bureau, Agent, tariff MF–I.C.C. 223.

By the Commission,

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–9228; Filed, Oct. 30, 1959; 8:46 a.m.]